

MEETING OF THE PARLIAMENT

Thursday 27 April 2000

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Scottish Parliament

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[THE PRESIDING OFFICER *opened the meeting at 09:30*]

Caledonian MacBrayne

The Presiding Officer (Sir David Steel): Good morning. The first item of business is a statement on state aid for Caledonian MacBrayne. The minister will take questions at the end of her statement and therefore there should be no interventions during it.

09:30

The Minister for Transport and the Environment (Sarah Boyack): With your permission Presiding Officer, I would like to make a statement on the Executive's proposals in relation to Caledonian MacBrayne's lifeline ferry services in the Highlands and Islands. The Executive attaches high priority to safeguarding the lifeline ferry services off the west coast of Scotland, upon which those fragile communities rely. Our commitment to the maintenance of these vital services has been demonstrated by making available for 1999-2000 the highest ever deficit grant, of £14.8 million. That helps to keep fares as low as possible.

The European Commission has a duty under article 88.1 of the EC treaty to keep aids in member states under review. Following the introduction of Community guidelines on state aids to maritime transport, the Commission wrote to the Executive last year seeking information as to compatibility with Community law of the current arrangements for Caledonian MacBrayne ferry services.

It might be helpful if I explain briefly what the relevant rules about state aids are. Article 87.1 of the EC treaty provides that, in general, state aids are deemed to be incompatible with the common market if they distort, or threaten to distort, competition by favouring certain undertakings and in so far as they affect trade between member states. Such aids require to be notified to the Commission, which has a limited discretion to find that they are compatible. To comply with the state aid rules and the 1992 regulations on maritime transport or cabotage—Council regulation 3577/92—we need to put the services out to competitive tender.

The Community issued guidelines on state aid to maritime transport in 1997. Part 9 of those guidelines provides that, in certain circumstances,

aid in respect of operating losses incurred as a direct result of fulfilling certain public service obligations are not considered to be state aid provided that certain conditions are met. Those conditions include: that public tenders are made, that there is adequate publicity and that the contract is awarded on a non-discriminatory basis; that the contract does not involve over-compensation or cross-subsidy, so that the system is not used to support inefficient management and operating costs; and that the duration of such contracts is to be limited to a reasonable period, in general not more than five years.

A public service obligation is defined as an obligation imposed upon carriers to ensure the provision of a service that would otherwise not be economic. Article 4 of Council regulation 3577/92 on maritime transport or cabotage allows a member state, in certain circumstances, to impose a public service obligation as a condition for the provision of cabotage services on shipping companies participating in regular services to, from or between islands. However, it is obliged to do so on a non-discriminatory basis in respect of all Community ship owners. That would be achieved by competitive tendering.

We believe that most Caledonian MacBrayne services are in the nature of public service obligations. Therefore, to be able to continue to provide the services and to comply with the 1992 regulations and the 1997 guidelines, the routes must be put out to tender. That will bring CalMac services into line with the Executive's practice in respect of the northern isles, where tenders are currently being sought for ferry services to Orkney and Shetland. In determining the best way forward for routes operated by CalMac, the issues are complex. They include decisions about how the routes might be tendered, about the ownership of vessels and about service specifications.

Today, I am publishing a consultation paper that sets out the options for tendering. The Executive is seeking views on options and I want to encourage all those with an interest in these vital services to play a part. A number of key issues arise, such as how the routes should be grouped in the tendering exercise.

Tendering the CalMac network as a whole could be regarded as a barrier to competition. It seems likely that a minimum of two or three groups of routes would be necessary to meet requirements for adequate competition. I will seek views on what groupings would be regarded as sensible packages of routes by local communities. Furthermore, local authority ferry services might be affected by these rules. We will consult local authorities on that issue.

There are particular issues in relation to mainland-to-mainland routes, which include

Tarbert-Portavadie, Gourock-Dunoon, and the local authority services Gourock-Kilcreggan and the Corran ferry. Although it has been suggested that the cabotage regulations and the state aid guidelines might rule out assistance to such mainland-to-mainland routes, we believe special considerations apply to similar air routes. I intend to make a robust case to the Commission for Scotland's remote mainland ferry services to be brought within the tendering exercise.

In respect of the Gourock-Dunoon route, there is the added issue of a private sector operator close by. However, the CalMac service provides an important component of an integrated transport system for users who do not have access to a car. I therefore intend to make representations to the Commission for a passenger-only service which, I believe, is complementary to the service provided by Western Ferries at present. The Executive undertook to publish Deloitte Touche reports commissioned by the previous Government on options for the Gourock-Dunoon route, and I propose to do so even though some of the argumentation in them has now been overtaken.

There might be significant advantages in keeping the substantial CalMac fleet together to give economies of scale, to secure future investment in ferries and to provide the flexibility of fleet relief vessels. As a result, I will seek views on the proposal to establish a separate vessel-owning company, which could be accountable to the Scottish Executive in that regard.

The Executive values highly CalMac's contribution as a publicly owned operator of lifeline ferry services. We will therefore allow CalMac to bid to continue operating the routes and I will seek the company's views on how best to structure itself to meet the challenge of competitive tendering. Of course, any bids from CalMac would be on a transparent basis, consistent with the principles of fair competition.

For the longer term, we will carefully consider introducing new legislation which would ensure compatibility with EC law. That will provide a significant opportunity to shape a new framework for Scotland's ferry services and I will seek views on the content of that legislation and the role that a possible Highlands and Islands transport authority might play.

It is planned that the first tenders will be placed by spring 2001, which implies that tenders—including detailed service specifications—would require to be invited later this year. Much work has to be done and views on the initial proposals that I am publishing today will require to be submitted by 30 June.

However, I want to assure members of the Executive's absolute commitment to maintaining

these vital lifeline ferry services to Scotland's islands and rural communities. I am happy to give the assurance now, that in drawing up service specifications for tendering we will make clear that fares and levels of service will be protected. This challenge is huge; however, I seek the co-operation and assistance of the local communities, CalMac and its work force, local authorities and other interests to work with the Executive to deliver a tendering framework that supports and underpins the economic and social well-being of Highlands and Islands communities and builds on the success of CalMac's present services. We have the opportunity to set the framework for the future delivery of high quality integrated ferry services, and the Executive, CalMac itself and the communities involved must respond positively to the challenge.

Mr Kenny MacAskill (Lothians) (SNP): This appears to be another case of blaming a European directive rather than the interpretation placed upon it. Has the minister considered the fact that, in Spain, Transmediterranea, which operates services in the Balearics, appears to be a wholly owned state subsidiary; that SeaFrance is wholly owned by SNCF; and that in countries such as the Netherlands, ports are municipally owned, which means that artificial subsidies are given to them and economies made?

The SNP fully accepts paragraph 11 of the minister's statement, which suggests that benefits such as economies of scale and cross-fertilisation of services will come from keeping CalMac tendering together. As a result, will the minister ensure that the tendering process includes the whole service, not part of it? If that does not happen, there will be a cherry-picking of routes and lifeline services will be neutered and damaged.

Sarah Boyack: I welcome Mr MacAskill's support for the Executive's work in persuading the Commission that we must ensure that the tendering process keeps the logic and integrity of CalMac's routes.

Mr MacAskill made specific reference to the operation in Spain and France of state ferry services. There is no compulsion in the European rules and guidelines to privatise the services; we are asked to tender them. That is what Spain and the other countries in Europe have been required to do. I make clear our commitment to retaining CalMac in the public sector, but we need to tender the services.

We need to engage with the European rules and regulations to safeguard our services. I have launched the consultation paper so that members and the communities they represent can be involved in the process. The process is not straightforward; it is very complex. We must

persuade the Commission of our case: that our lifeline services are vital to our Highland and rural communities. I will do that when I make the case to the Commission.

We must work with the Commission on tendering and the bundling of routes. I have made it clear that I absolutely do not want to fragment the routes and services and enable cherry-picking. However, that means that we must put a robust case for the integrity of the services.

I have made it clear that we believe that it could be seen as anti-competitive to have one bundle of routes. Spain has given some practical examples of tendering services. It looks as though we will have to consider carefully the possibility of two or three bundles of routes. That is another purpose of the consultation, which must be transparent. We must bring the communities with us; we must also go in line with European obligations and rules.

The issue is complex, but I am absolutely committed to maintaining the services and their integrity.

Mr Murray Tosh (South of Scotland) (Con): I thank the minister for her courtesy in giving me a copy of her statement some time in advance of her delivery of it, which allows me to ask a question about what may have been a slip of the tongue or a significant comment. Paragraph 9 of the printed statement says:

"Tendering the CalMac network as a whole would be regarded as a barrier to competition."

However, the minister said that tendering

"could be regarded as a barrier to competition."

It is important to clarify the matter. Is it the Executive's intention to attempt to retain the entire network of services? Does the minister accept the chamber's support for that objective? It is important to attempt to do that.

Paragraph 11 of the statement says:

"There may be significant advantages in keeping the substantial Caledonian MacBrayne fleet together".

Does the minister accept that there almost certainly are significant advantages in preserving the critical mass of the company and its services? Will she give an assurance that that is how the Executive sees the matter? That is important not least to afford capacity to respond in emergencies. We will be happier to support the Executive when it makes representations to the Commission, if it can give assurances on how it sees such things working out.

Sarah Boyack: I thank Mr Tosh for his helpful and positive contribution. I am happy to clarify that point. It could be that the network could be perceived as being anti-competitive if we attempt to tender it in one block—it could be perceived as

such, but it is not automatic that it would be perceived in that way. Mr Tosh is right to pick up on the distinction. It is important that we do not make assumptions in starting out on this exercise.

I do not want to underestimate the challenge in persuading the Commission that we should keep the integrity of the routes. That is why I have made it absolutely clear in the consultation paper, which I will issue to members this morning, that we need to consult on the process. My preference is to look at the integrity of the network. We must look closely at the possibility of two or three bundles of routes. In a sense, we would almost be going back to the pre-CalMac days.

I am anxious to bring the communities fully into the discussion. It would not be helpful to go down the route of tendering every single route separately. That would fragment the network, as members have observed. However, I do not underestimate the complexity of the matter. To meet European rules, we cannot just say that we are meeting the rules; we must meet them in practice.

We have to be able to convince the Commission that we have carefully considered the impact and the competitive nature of offering the routes out to tender. I will explore this matter extremely carefully and I welcome the support from both spokespeople who have asked questions so far. This will require a concerted effort, not just in this Parliament but among MEPs, in making representations in Europe.

George Lyon (Argyll and Bute) (LD): I thank the minister for her statement. The communities in my constituency will be stunned to hear today's announcement that the European Commission is interfering in the provision of a lifeline shipping service in the western isles. There will be great concern in the affected communities about the future of the routes and about some of the issues that have already been raised.

I ask for the minister's complete assurance that she will do everything possible with the European Commission to ensure that we are still able to support every route with public money and that no route will be ruled out. We still need to support these routes, because none of them is profitable on its own.

The minister said that she will endeavour to ensure that there is no fragmentation of service provision. That must mean that CalMac is still able to operate the routes after completion of the tendering process. I seek her assurance that CalMac will be given every help in ensuring that it remains the supplier of these vital services to our communities.

On the greatest danger of all, I seek the minister's assurance that there will be no cherry-

picking of routes. The greatest concern in many communities would be that private shipping companies will come in and take one route out of the system to the detriment of all the others. The integrity of the ferry route system is crucial for the future.

We must welcome the publication—at long last, after three years—of the Deloitte and Touche report. An awful long time has been taken to write it. I ask the minister to honour the commitment she gave in this chamber: that she will come to Dunoon to discuss the report with the local communities as soon as practically possible.

Sarah Boyack: I will try to work through George Lyon's large number of questions as swiftly as possible. I thank George for his support for trying to persuade the Commission of our strong interest in trying to continue the ferry services.

By opting for public service obligations, we need to be able to demonstrate to Europe that we are fully considering the rules and regulations. We have to make strong representations about the absolute necessity of our mainland-to-mainland services. A careful reading of the rules shows that they are not covered by the regulations. We must make the case that, in some of the areas concerned, the alternative to a relatively swift ferry crossing is a round trip of about 50 miles, using small, often single-track, roads. Taking into account economic competitiveness and the economic and social nature of the communities served, the retention of the services is vital. We will have to work hard with the relevant local authorities to make that strong case to Europe and I welcome George Lyon's support on the issue.

We also need to work hard with CalMac, in supporting it in its examination of its structure and in ensuring that it is able to compete and go through the tendering process. We have the experience of the northern isles ferry service in which CalMac, in the guise of Northlink, is part of the tendering process. CalMac therefore has some expertise in tendering. We need to examine carefully the company's structure.

I want to get across strongly the message that this is a complex issue. We need to lobby Europe in the strongest possible terms and make our case about the lifeline nature of the ferry services for the communities they serve. We must link into Europe's strong support for integrated transport and its strong commitment to social inclusion and strong contacts between rural areas, particularly remote ones, and to mainland areas.

On George Lyon's point about the Gourock-Dunoon route, I am happy to announce today the publication of the Deloitte and Touche report, about which several members have regularly asked me questions. I am happy to announce also

that I intend to visit Gourock and Dunoon and to see the ferry service there on Monday 1 May. I do not want any more delay with this issue. It is very important that I am involved in discussions with the local communities and with the local council on how we proceed.

We will have to argue our case on the Gourock-Dunoon route strongly. For the sake of integrated transport and ease of access, we need to keep that route open for tourists, commuters and local people. I will make a strong case for that in Europe, but I stress that the outcome is not automatic. I welcome the support that Mr Lyon has given.

Rhoda Grant (Highlands and Islands) (Lab): Has the European Union done anything to make itself aware of the special circumstances of the Highlands and Islands before making its decisions?

Sarah Boyack: The onus is on us to make that case. The guidelines and rules apply to every European country and we have to make representations to the European Community about how we intend to bring our services into line. We have had fruitful discussions with other European countries and take their experiences seriously.

The issue is difficult and complex, but we can learn from the experiences of Spain and Denmark. I have spoken with the Danish transport minister and discussed issues such as the way Denmark has structured its tendering process, the length of the tendering process and the legislation that it has in place. The Spanish example weighs heavily on my mind. When Spain put its services out to tender, it advertised in the *Official Journal of the European Communities* on 23 December, requesting tenders by 31 December of the same year. Europe was not impressed by that. We need to acknowledge what has happened elsewhere while making the best possible case for our own special circumstances.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Despite the minister's assurances, will she concede that she is announcing the potential break-up of the Caledonian MacBrayne network? Will she answer the question about the potential for cherry-picking by private operators on the more lucrative routes?

Paragraph 15 of the minister's statement says that

"fares and levels of service will be protected".

If that is the case, and if the publicly owned Caledonian MacBrayne is left with the routes that need greater subsidy, there are only two ways in which the increased subsidy will be covered: more money from the public purse or an increase in fares. Which one will it be?

Sarah Boyack: We do not want our ferry services to be broken up. I have set out the options in our consultation paper explicitly and I have been clear about the difficulty of persuading the European Commission to let us tender all our routes in one bundle. We must consider carefully the option of having two or three bundles of routes. I do not think that that would lead to the break-up of the network and I stress that I believe that we need to protect the integrity of the services.

I encourage members to read the document. It is clear that tendering each route separately would not give us the benefits of an economy of scale, would not be good for competition and would make no sense in terms of ensuring the integrity of the service. I am resolutely against the cherry-picking of those services. I will be happy to answer further questions in the light of what is said in the document. We must make it clear that we have to maintain the integrity of services while meeting the European Commission's regulations. We must consider the experiences of Spain and Denmark.

With regard to the point about paragraph 15, I am making a clear commitment on fares and service specifications. Our experience of the northern isles ferry service tendering process is that, in putting out a contract for tender, we would make clear the specifications for the route, the quality of service required and the fares.

The point that I shall make strongly to the Commission is that by opting for a small number of route bundles, we can maximise value for money and keep the subsidies at a reasonable level. We must do that to persuade the European Commission of the appropriateness of our proposals. The consultation exercise will ensure that the trade unions, CalMac and the local authorities and communities are fully involved in a transparent process and that we will move forward together. That is the lead that I am giving today, with the publication of our consultation document.

Maureen Macmillan (Highlands and Islands) (Lab): The move to put CalMac services out to tender should cause great anxiety in the communities that use them, especially because of speculation about privatisation and increased fares. It is easy for rumours to start, which can stir up fears. Will those communities be involved at grass-roots level in the consultation? For example, will the consultation document be made available on CalMac ferries and in ferry terminals, and will there be public meetings to explain in detail what is happening?

Sarah Boyack: The point about anxiety and the circulation of information is absolutely critical. That is why it is important that I do not simply introduce a set of proposals, but that those proposals, the options that we have in front of us and the process

that we must go through are transparent. I want the communities to be reassured of the levels of fares and the subsidies.

A couple of years ago, the Scottish Office undertook research into the lifeline nature of the services and the sensitivities of our island communities, in particular, to CalMac fares. We know well the fragile economic nature of those communities. In Alasdair Morrison's region, the western isles, the levels of unemployment—particularly of long-term unemployment—mean that communities rely on the services. The fares that are charged are critical, which is why I was happy to reassure Duncan Hamilton that, in tendering the services, fares and the current levels of service are factors on which we can give a commitment today.

I know that there will be anxiety. The best way in which to dispel it is to be open and honest, to explain to people the complex nature of the proposals and to reassure them that we are working with other European countries and doing our utmost to bring our services and subsidies into line with European rules and regulations and to convince the European Community that there are specific circumstances and experiences in Scotland that must be taken on board. However, the onus is on us, not on the European Community, to undertake that work, which is why I hope to enlist the support of all members in the process.

Tavish Scott (Shetland) (LD): I would like to pursue the point the minister made in response to Duncan Hamilton's question. In the northern isles, when the tender period is too short, particular difficulties are created for providing new ships. Will that be a problem for CalMac? Is the minister aware of arguments that she can put to the European Commission to try to extend the length of the tender period? Companies that are considering tendering may face problems in the provision of new ships.

Sarah Boyack: That is an extremely pertinent point. Spain had a 22-year contract with Transnet, its ferry service operator, but the Commission made it clear that it would not accept contracts of that length. However, anyone who knows anything about ferries and boats knows that the cost of a boat cannot be repaid within five years. If we are to meet the safety of life at sea—or SOLAS—regulations and tackle some of the most challenging sea conditions—particularly up the west coast of Scotland—we must ensure that we have the right kind of vessels. We have had that discussion in relation to the northern isles ferry service and we know just how difficult it can be to achieve.

The consultation paper makes clear that there are ways in which we can address cost issues and

link the cost of subsidy into the tendering process. I do not underestimate the difficulty of that and I accept that the five-year limit that the Commission has set does not make our task easy. That is an issue that Denmark and Spain have tried to take up with the Commission. There are other, similar, issues. We must make the best case we can to the Commission. I have set out our views on the length of tender in the consultation document.

Allan Wilson (Cunninghame North) (Lab): Communities' concern about this development has rightly been mentioned. I am sure that that concern is reflected among the Caledonian MacBrayne work force. They will be anxious about its implications for them.

Given the imposition of competitive tendering by the European Union and the time scale announced today, is the minister aware of the importance of maintaining the morale of the work force and of involving and consulting them and the trade unions that represent them throughout the process? The detailed specifications that affect fares and services also affect the work force's livelihood and conditions of service.

Sarah Boyack: I am well aware of that point. In a sense, the consultation process that we start today includes not only CalMac and the local authorities, but relates to the work force and the communities of which the work force is a vital part. I do not wish to separate out those two issues.

The jobs provided by Cal Mac are critical, skilled jobs in our most remote communities. I know how important they are. The morale of the work force is also important, which is why I am happy to talk to the work force, to CalMac and to the local authorities to ensure that they understand the process we are about to enter. I am also happy to reassure them that we are making the most robust and best possible case to Europe to ensure that we can continue our subsidies and the operation of these lifeline ferry services.

The Presiding Officer: I apologise to those members whom I have been unable to call, but I must protect the time available for the main debate.

Ethical Standards in Public Life etc (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): We come now to the debate on motion S1M-637, in the name of Ms Wendy Alexander, on the general principles of the Ethical Standards in Public Life etc (Scotland) Bill.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. As we move towards the debate stage of today's proceedings, I believe that it is appropriate for me to give notice of a legal opinion that has been sought, a copy of which I have given to you. The legal opinion challenges your decision to accept as competent the Executive amendment in today's stage 1 debate on the Abolition of Poindings and Warrant Sales Bill. I do not ask you to give a decision now, as the opinion is six pages long, but I bring it to the attention of the Parliament that I have brought that opinion to your attention. I ask that, this afternoon, you outline your position and reconsider your decision to accept the Executive's amendment.

The Presiding Officer: Thank you, Mr Sheridan, for giving me that notice. I will respond to your point of order at the end of this morning's session, before we adjourn for lunch.

10:02

The Minister for Communities (Ms Wendy Alexander): I am delighted to have this opportunity to open today's debate on the general principles of the Ethical Standards in Public Life etc (Scotland) Bill. In July, Donald Dewar announced the Executive's intention to introduce this legislation. Since then, much work has been done: a public consultation, the publication of a draft bill and the efforts of the Local Government Committee and the three other parliamentary committees that have taken evidence during stage 1. Many others have offered views and made constructive contributions.

I particularly welcome the efforts of the Local Government Committee, under Trish Godman's convenership, which culminated in its report on the bill, which recommends that Parliament approve the general principles of the bill. After today, much detailed work remains to be done, to ensure that the letter of the legislation does justice to the underlying principles of fairness, high standards and justice.

Let me start with the principles. The bill is a vital part of our plans to modernise Scotland. First, we legislated for major constitutional reform, not least through the creation of this Parliament. Today, we match that constitutional modernisation with civic

modernisation, introducing effective anti-sleaze measures, which will bring greater transparency to our political affairs. The bill aims for high standards all round, not just for local government. The old ways—whether of backroom deals in councils or the old-boy networks in public bodies—will be subject to a new searchlight: justice not just done, but seen to be done.

The bill also ensures that the legal framework under which councils or public bodies operate is not tainted by other outdated prejudices.

Let me deal with some of the issues raised in the Local Government Committee's report.

The bill will put in place consistent and transparent arrangements for ethical conduct by councillors and other members of public bodies. The new codes of conduct make clear the standards that are expected from members. Members will have to demonstrate publicly that they meet those standards, and adherence to those standards will be monitored.

As the Executive and the Local Government Committee have acknowledged, a legal framework will never be sufficient on its own. If we are to meet the new standards required for a new democracy, Scottish local government and public bodies will themselves play an important role in helping their members to meet those high standards. We look forward to detailed discussions in the weeks ahead.

The bill already provides that investigations into allegations of misconduct will be undertaken thoroughly, quickly and confidentially by the chief investigating officer. The Local Government Committee has proposed that the bill should set out time scales for those investigations. We can debate the detail on time scales at stage 2, but the Executive shares the committee's concern that investigations should be carried out as swiftly as possible. That detailed debate will be about whether statutory provision will help or hinder more timely investigations.

If such an investigation reveals a cause for concern, the chief investigating officer will report to the commission. Any individual whose conduct has been investigated will have the right to explain their position in advance of any report, and will also be able to comment on an adverse report before it is sent to the commission. On receipt of a report, the commission will then hold a hearing. Again, the individual will be able to present their case as part of the hearing process.

The Local Government Committee's report proposes that the procedures for any such hearing should be laid down in secondary legislation, rather than the commission developing its own rules of procedure. Again, that is a point for debate at the next stage.

We have also listened to representations by interested parties on the draft bill. In response to the consultation exercise conducted in November, we have made changes where we believed it was right to do so. I shall run through some of them.

First, there are changes on parity of treatment. The principles of this bill apply both to councillors and to members of devolved public bodies. It is therefore right that, wherever possible, the same arrangements should apply to both. It will be for the commission to impose sanctions on councillors and members of relevant public bodies alike. The only exception is the case of Crown appointees, where Her Majesty has indicated that she wishes to retain responsibility for the final decision.

Secondly, there are changes on the right of appeal. In keeping with the fundamental principles of fair and open arrangements, it is proper that there be a right of appeal against decisions by the commission. We will bring forward amendments at stage 2 to provide for that right.

Before I conclude on this section of the bill I would like to deal with the range of bodies that have been included in the bill. This is an area that the Local Government Committee has commented on. The bill deals with elected councillors and members of devolved public bodies. Of course there are other organisations, including charitable trusts and private companies, which also handle public money, and it is vital that their activities are properly regulated. However, there is a proper distinction between private individuals who serve as members of such organisations and the special responsibilities of people in public life. That is also a matter on which we will require further detailed discussions at stage 2.

I now turn to part 4 of the bill, which deals with the repeal of section 2A and a new general duty on local authorities to have regard to the value of stable family life in delivering services principally for children.

From the very beginning, the Executive's proposal to repeal section 2A has been a matter of principle. The principles of justice, equality and inclusiveness have motivated us to ensure that Scottish local government operates within a legal framework that is free from discrimination. Much of the discussion has focused on our schools, and Sam Galbraith will deal in his summing-up with some of the detailed points arising. But, behind and before, that area of concern is the kind of society in which we all want to live in the new Scotland, because the Ethical Standards in Public Life etc (Scotland) Bill is about the whole spectrum of Scottish public life. The bill proposes repeal of section 2A because that section has no place in a just, equal and inclusive country. That is what I believe all of us in this Parliament want for Scotland.

Of course there have been those who said, "Why bother with repeal? Why not just leave well alone?" To them I say, that way lies dishonesty and hypocrisy. If we just sweep it all under the carpet, it will be there to continue to fester and pollute. Dormant discrimination is still discrimination.

We have sought to deal with the issues openly and up front through public and parliamentary consultation. The consultation paper in November fully acknowledged the possible concerns about unwelcome influences over children. We committed then to review the existing procedures, sure in the knowledge that

"prior to the introduction of section 2A no inappropriate material was used in Scottish schools, none is used today and none will be used in the future after repeal."

That is a testimony to the professionalism of Scottish teachers. The scare stories are just that. Repeal of section 2A will do one thing and one thing only—remove an ugly constraint on the powers of local authorities.

I want to dwell for a moment on consultation, because, when properly conducted, it is all about discussion, debate, seeking views and listening, and that is what this Parliament and its committees are engaged upon. Consultation is not about listening to whoever shouts the loudest, or whoever employs the most sophisticated public relations machines to steamroller; nor is it about pulling out the largest cheque book. Scotland's Parliament and people must together learn the ways of effective and genuine consultation.

Over the past months we have listened to those who made their views pointedly and stridently; to those who came calmly and convincingly; to those who shamelessly badmouthed a process that they did not even respect or participate in; and to all those who wrote from both sides of the argument. They are all part of a long list of those who have been involved in the process of consultation in the committees of the Parliament on the proposed repeal.

Much of what emerged from the process of consultation was good and sound and helpful. The list of those who participated is long, and some of those who support repeal are the key organisations concerned with the welfare of children, including Save the Children, Childline Scotland, One Plus, Children in Scotland and many teachers organisations.

We listened carefully to the concerns raised. On 24 February we announced, and have since incorporated into the bill, a new general duty on local authorities, when delivering services principally for children, to have regard to the value of stable family life in a child's development and to ensure that the best advice is available to parents

and teachers.

Karen Whitefield (Airdrie and Shotts) (Lab):

Does the minister agree that stable family life includes marriage, which plays an equally valid role to non-married stable relationships in Scottish society?

Ms Alexander: Absolutely. I am happy to confirm everything that the member said.

We have also acted to ensure that the best advice—

Miss Annabel Goldie (West of Scotland)

(Con): I am interested in Ms Alexander's comment to her colleague. Does it mean that the Executive may be willing to follow the example of her colleagues down south and consider putting marriage at the core of the guidelines that she proposes? Does that mean that she may even consider what her colleagues are doing down south and invoke a statutory protection for the public if section 2A is repealed?

Ms Alexander: I have made clear in this chamber, as has the Executive, that we do not honour marriage and the family by denying the reality of other relationships that are now established in today's society; therefore, the new section puts the focus on the child's family and the quality of parenting without judging its worth or its status. That is the best way to proceed.

We are keen to ensure that the best advice is available to parents and teachers, therefore we set up a working group on which Churches, parents and teachers were represented, to look at the range of material dealing with sex education. Its report, published on 7 April, concluded that

"the package of safeguards is sufficiently complete, wide-ranging and robust to meet the concerns of the public, parents and teachers about the repeal of section 2A."

That considered view is very convincing.

The working group will continue with its remaining work, which will include summary guidance for teachers, advice on consultation with parents and a package of advice for parents. As we have said before, those materials will be issued for consultation, and we will not bring the repeal of section 2A into force until that work has been completed.

The Education, Culture and Sport Committee will consider these matters further in the context of the Standards in Scotland's Schools etc Bill.

There are, of course, those who disagree with repeal. They understand the issue, and they want to keep the clause despite its being discriminatory. Many others disagree because they have been exposed to a lot of pressure to protest against all sorts of imagined horrors.

Yet section 2A cannot remain on the statute books, except by claiming to protect one group of people at the cost of stigmatising another group of people. That is the unequivocal price of keeping the clause. Sadly, in the past months, we have surely all recognised that billboard negotiations are no negotiations at all. Simplistic and misleading allegations have been paraded, and questions that have been calculated to inflame rather than elucidate—a campaign very expensive to mount, but perhaps with a cheapness all its own.

Next out of the till is a privately funded opinion poll, promoted by those with a partisan point of view, who are, in effect, planning to demand of fellow Scots that some of them justify their lifestyle. That is not the best way for Scottish democracy to proceed. It is sometimes the unlooked-for way of these things that the tone and tactics used have revealed why repeal matters. We seek a Scotland that looks to the future and that does not allow itself to be dragged back to an indifferent and intolerant past that had too little room for inclusion and human solidarity.

We have listened, we have consulted, we have offered legislative protection, and we have sought advice. Local government and public bodies will have a modern legal and ethical framework, and we will move towards repeal. We look forward to a new future for all our people.

I move,

That the Parliament agrees to the general principles of the Ethical Standards in Public Life etc. (Scotland) Bill.

10:18

Mr Kenneth Gibson (Glasgow) (SNP): I would like to thank the minister for her very positive opening to the debate.

I open my remarks by paying tribute to my colleagues on the Local Government Committee. Over the past few months, we have put in a great deal of time and effort examining the proposals that are before the chamber today. We have conducted that examination in a spirit of bipartisanship and good will that I hope will be reflected in the debate this morning.

I would like to pay special tribute—although I know that she will be embarrassed by my saying this, because she told me so earlier—to Trish Godman, who has chaired our meetings with humour and great patience, two qualities that are in great demand, especially when dealing with the more robust and forthright members of the committee. Of course, I exclude myself from that category, because, as you know, Presiding Officer, I can always be relied on to support the convener, and would never dream of heckling, barracking or, indeed, speaking out of turn.

On a more serious note, the bill before us today is here as a direct consequence of the actions of politicians. It is difficult to pinpoint when it happened, and it is of no real value to say who is to blame, but at some point the public lost trust in all of us. Members may have received a recent survey that was conducted by Nestlé, which showed that, in terms of public trust, out of 12 occupations listed, politicians were 10th, with only television presenters and journalists ranked as less trustworthy. We may argue that that mistrust applies only to some politicians, and that the public may trust one politician or party more than another. That may be so. However, we share a collective guilt. For some, it may be shared only by association, but it is shared none the less. It is a collective guilt that we must address together.

The bill recognises—and I pay tribute to the Executive for changing the original ambit of the bill to include this—that distrust extends to members of non-departmental public bodies. Those placemen and women who act as ciphers of the ruling party's political will, and those public servants who act on the public's behalf for more egalitarian motives, are, whether we like it or not, increasingly viewed with distrust by the public. They require the reforms in this bill as much as do the front-line politicians.

Reform is the key backdrop to the bill, as the Minister for Communities said earlier. Standards commissions, registers of interest and codes of conduct are good things but in themselves cannot cure the malaise perceived as at the heart of public life. Real reform is needed. Although it is not appropriate to go into detail today, we must not overlook the work of McIntosh and Kerley or the innovative ideas put forward by my colleague Alex Neil in his proposed public appointments bill. This new Parliament—as the minister said, itself a creation of the need for reform—must act on that need. It cannot turn back, despite the pressure to do so from vested interests.

Much of the debate on the bill has centred on the abolition of section 2A, or section 28 as it is more commonly known. That is unfortunate because it has overshadowed much of the good work done on the bill and the measures it will introduce. At stage 2 we will propose an amendment in relation to section 2A, which my colleague Nicola Sturgeon will outline later in the debate. I will confine my remarks to the substantive part of the bill and my party's attitude to the bill overall.

The SNP supports the Executive on the main thrust of the bill. In the SNP submission to the consultation paper "A New Ethical Framework for Local Government in Scotland", which I wrote for my party in July 1998, we stated:

"The Scottish National Party believes elected members

must build trust in their council and earn the respect of communities and individuals the council serves. Councils must achieve best value in local services and adhere to the highest possible standard of conduct. The SNP will ensure its own elected members and councils provide the best possible standards of service to the people we represent."

We stand by that statement and we will be voting in favour of the general principles of the bill. However, we have some areas of concern, many of which are shared by colleagues on the Local Government Committee and one or two of which the minister hinted at this morning. My party colleagues will pick up these points during the course of the debate. I will concentrate on some of the main outstanding concerns.

When the Minister for Communities first unveiled the coalition's plans to broaden the ambit of the bill to include public life, that announcement was welcomed. On 2 July, in the debate on McIntosh, she said:

"The Executive and this Parliament expect the highest standards throughout the public service."—[*Official Report*, 2 July 1999; Vol 1, c 879.]

She went on to explain how that meant an extension of the proposed ethics bill to include both local government and public bodies. We were promised extensive consultation and that happened at draft bill stage, with opinion sought across the range of public life in Scotland. The minister did not say part of the public service but "throughout the public service". That phrase must mean what it says and all members of all public bodies in receipt of public money in Scotland should be included. There should be a common code for all, a common level of standards and a common watchdog for all public officials, elected or unelected, reserved and devolved, councillor or MSP. They should all be subject to the same standards; all expect to live as far as possible under the same public ethics code. When the bill was announced, it was clearly the collective view of the Executive to include public bodies. That is the only logical conclusion of that extension.

I understand the obstacles to MSPs being included and I have had lengthy conversations with members of the Standards Committee on that. I appreciate their concerns; none the less, I ask for the commitment sought by the Local Government Committee in its report on stage 1 of the bill

"to re-examine this issue, and to consider whether legislation or other arrangements are required."

There is a bigger principle at stake than simply tying up loose ends—that of equality. People in local government are quite rightly resentful that they are the only section of the political class for whom outside regulation of ethics and standards is deemed necessary.

The Convention of Scottish Local Authorities

said in its written evidence to the Local Government Committee:

"The majority view of local government is that councils should be empowered, within a regulated, accountable and transparent framework, to self regulate themselves with regard to standards, a power available to other elected representatives such as MSPs, MPs and MEPs."

That is a view that must be taken on board by the chamber.

That is not the only grievance that local government has on the bill as it stands. Other grievances include that the bill does not address the power of surcharge on councillors or the interim suspension and complaints procedure. Colin Campbell will outline our objection to surcharge, an objection that was shared cross-party on the Local Government Committee. The complaints procedure and interim suspension is of equal, if not greater, importance for many councillors.

For many years councillors in Scotland were expected to work for a pittance. I remember when the leader of Strathclyde Regional Council received a salary of under £6,000 while the chief executive received £108,000. Both had extremely responsible positions, working under tremendous pressure. One was given a salary commensurate with that pressure and one an amount to live on that, for the hours worked, would have made him one of the most poorly paid workers in the country.

I will make the point that the fact that I did not agree with the politics of the incumbents of that post did not mean that I did not recognise their work load or the pressure that they were under. That situation was remedied, to an extent, when special responsibility allowances were introduced in 1995. Under the SRA system, there was some recognition that full-time jobs should have full-time wages. SRAs are far from ideal as they can often be used as a tool of patronage rather than a recognition of merit, but they are a start and are highly valued in local government.

Under the current proposals, a power of interim suspension will be vested in the standards commission. If a councillor has a complaint lodged against them, they can, under the powers of the commission, be suspended while the complaint is investigated. If they are suspended, they lose their SRA, which in the majority of cases is their only income. It would be against natural justice if that situation were allowed to stand. Back benchers would lose nothing but conveners could lose the bulk of their income.

The situation is further compounded by malicious complaints, to which everybody in public life can be subject, especially councillors, who operate in the front line. It is easy for a person who feels slighted by the actions of a councillor to

fabricate a story against them. If the allegation is made anonymously, as is permitted under the current structure, and the councillor is suspended from their duties pending the investigation, then a person will be able to exact revenge against an elected member and achieve a result without any breach of standards or ethics having been proven.

That problem is further compounded by the lack of a defined timetable for complaints. Again, I am pleased that Wendy Alexander touched on that in her speech. As it stands, suspensions could run indefinitely, which would leave a councillor in financial penury without limit of time.

Those are serious matters that compound the view in local government—I believe unjustified but real—that within one year this Parliament is beginning to renege on its promise of a new covenant between local government and this Parliament. I understand that the issue of equal treatment between MSPs and councillors is not one to be addressed today, but if the issues that I have mentioned are left in abeyance and not resolved, our 1,222 councillors will be entitled to the view that we are less than serious about the equality in the relationship that we promised and are less than serious about working in partnership with our colleagues in local government.

I hope to hear today from the Executive and from members of the Standards Committee that they are sympathetic to equality of treatment, even if we lack the legislative time fully to resolve the issues. I want the Executive to say what measures it will take to resolve the anomalies that I have mentioned with regard to interim suspension and malicious complaints. I want the chamber to send a clear message to local government that we understand its concerns and are prepared to act on them.

One further anomaly that we should consider, which is again an issue of equality in the bill, is the selective nature of the public bodies included in the bill. Colleagues will be aware that, in schedule 3, the bill lists the public bodies that come within its ambit. The list is far from exhaustive and whole sections of public life are excluded. I again refer the chamber to the Minister for Communities' remarks on 2 July:

"The Executive and this Parliament expect the highest standards throughout the public service."—[*Official Report*, 2 July 1999; Vol 1, c 879.]

The minister said "throughout the public service." She did not say part of the public service; she said throughout. My party and colleagues in the Local Government Committee share my concern about this bill. In its report, the Local Government Committee stated that

"all devolved public bodies, including Local Enterprise Companies, operating in Scotland and spending public

money, should be included within the provisions of the legislation."

That issue must be addressed. We cannot have a two-tier system in which some public bodies are included and others are not. This chamber legislates in this area and it should be able to legislate for all who live in this country and hold public office.

I will end on the positive note on which I began. This is a good bill and one that the SNP is happy to support. However, it is not yet a perfect bill; my party and I believe that it can be improved upon. I look forward to the minister's reply and hope that some light will be shone on matters that I have raised and that we can move forward in the spirit of cross-party co-operation that we have enjoyed so far.

10:29

Miss Annabel Goldie (West of Scotland) (Con): The Conservative party welcomes the bill in principle. It certainly makes a start in the tortuous process of restoring public confidence in our local authorities. That public confidence has been battered and dented by a litany of Labour sleaze and mismanagement in local government. The public have been sickened and angered by instances such as allegations of jobs for the boys in Monklands, direct labour organisation mismanagement in North Lanarkshire Council and East Ayrshire Council and the malaise of apathy surrounding collection of community charge and council tax arrears, which has put a huge and unfair burden on responsible council tax payers across Scotland.

Sadly, there is a universal cynicism that certain councils in Scotland operate to serve their own first—a preoccupation that is perceived as a primary obligation before provision of services to anyone else is contemplated. That is a regrettable set of circumstances but one that is being addressed by the bill.

It is a matter of regret to me that the atmosphere surrounding local government in Scotland has become a stale and fetid stench. Some means had to be devised to let fresh air blow through it; the bill is a start.

We support the principles behind the changes proposed by the Parliament's Local Government Committee—to which tribute has, rightly, been paid—during its consideration of the bill. In particular, the suggestions that it made concerning the creation of a standards commission, with a wide range of meaningful sanctions, represent a positive set of proposals. Those sanctions will be acceptable to the public. Also sensible is the suggestion that the bill should extend to all devolved public bodies, including local enterprise

companies.

The Conservative party feels that the role of the standards commission could be achieved by streamlining existing procedures and bodies, without necessarily creating further, new bureaucracy in the form of a separate commission. That is an aspect that we shall consider carefully during stage 2.

Much of the content of the bill is good, is needed and is overdue. It is a matter of regret for the Conservative party, therefore, that we find ourselves unable to support the bill. The aspect of the bill that is unacceptable to the party is section 25, which seeks to repeal section 2A of the Local Government Act 1986 or, as it is more familiarly known, section 28.

Repealing section 28, if that is what the Executive is hellbent on doing, has no place in this legislation. It is a hastily conceived add-on, which is unconnected to the rest of the bill. If repeal of section 28 is to be pursued by the Executive, it should be the subject of separate legislative proposals and separate debate. The approach has all the hallmarks of a furtive ruse to slip something into the statute book in the hope that no one will really notice.

The proposal was, after all, neither a Labour nor a Liberal Democrat manifesto commitment. It was not in the Executive's programme for government; it was not in the partnership agreement; nor was it contained in any statements by ministers on this very bill.

Opposition to the repeal of section 28 has already been debated in the chamber, at the instigation of the Conservative party. While we lost the vote to retain that section, there is no doubt that, by being the only party in the chamber to stand up for them, we won the argument decisively as far as the people of Scotland were concerned.

The Scottish Conservatives have been resolute in their opposition to repeal. Interestingly, during the Ayr by-election campaign, the Scottish nationalists rather wavered in their position, which had been one of unstinting support for the Executive, which proposed repeal. They decided that they ought to consider statutory guidelines. The party that remained resolute in its beliefs, the Conservative party, happened to win the Ayr by-election.

Tommy Sheridan: The member mentions the Ayr by-election. She will recall that the Conservatives' share of the vote was less than at the previous election; therefore, it did not remain so resolute. Would she care to comment on the fact that the party that gained most in that election was the Scottish Socialist party, which has been firmly in favour of repeal of section 28? It has

never done us any harm.

Miss Goldie: The proof of the pudding is, as always, in the eating. The pudding that I am enjoying eating at the moment is Mr John Scott—*[Laughter.]* I use that purely as a figurative expression of speech, of course.

In returning a Conservative member, the electorate knew precisely what it was doing. It is for that reason that not only does the Conservative party maintain its objection to the bill being used as a vehicle for repeal, but it maintains its objection to repeal. Although I listened carefully to the minister and noted the particular arguments that she advanced—

Nicola Sturgeon (Glasgow) (SNP): I will set out the Scottish National party's position shortly, but could Miss Goldie explain the position of the Conservative party's education spokesperson? She talks about the Conservative party being resolute in its opposition to repeal of section 28. During the stage 1 debate on the bill in the Education, Culture and Sport Committee, Brian Monteith was at pains to point out that the Conservative party did not oppose repeal of the section and that he was happy to sign up to a stage 1 report in support of its repeal. There seems to be confusion on the Conservative benches—perhaps Miss Goldie can explain why.

Miss Goldie: The Conservatives' position can be clarified amply and I am sure that Mr Monteith will take advantage of the opportunity to do that in his speech later. My understanding is that our position—as represented by Mr Monteith—has always been that we should maintain our opposition to repeal of section 28 and that we would relax our view only if we were satisfied that acceptable safeguards were being put in place. I am strongly of the view that that is the point that Mr Monteith was advancing when he debated the subject.

I return to the seemingly twofold arguments that the Executive has sought to advance in support of repeal of section 28. The reasons that the Executive proffers for repeal of the section are that repeal will stop bullying in schools and that it will facilitate discussion and education about homosexuality in our schools. I am sorry to say to the minister that in the earlier debate on the matter in the chamber, I found those reasons unconvincing and unproven—I still consider that to be the case. The Scottish Executive's anti-bullying website admits that there is no legal bar to preventing teachers from explicitly condemning homophobic bullying, or discussing pupils' concerns about sexuality—a position that my party endorses entirely.

The current Scottish Executive development department guidance to local authorities makes it

clear that section 28 will not prevent the objective discussion of homosexuality in the classroom, nor will it prevent the counselling of pupils who are concerned about their sexuality. That is also a position that the Conservatives support entirely.

There is no need to repeal a legally enforceable safeguard for our children—that is at the heart of the concerns of so many people in Scotland. When repeal is mentioned in the context of sweeping away protection to replace it with something that is not enforceable, naturally parents become deeply concerned. I know that the minister does not share that view—her view is that we can trust educationists, that we can trust local authorities and that we can trust those who provide information to our schools. Many parents feel that, in the absence of some form of protection, that is not a satisfactory reassurance.

There is, therefore, no need for repeal of the section. The arguments that the Executive has advanced are, as I said, not proven. The people of Scotland do not want repeal. According to a recent ICM Research poll, 64 per cent of people do not want it, and a MORI poll in January indicated that 60 per cent of head teachers do not want it.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Miss Goldie remind the chamber how many times, since it was introduced, section 28 has been invoked in law to protect families, as she claims it does?

Miss Goldie: It is always very difficult to say how often a particular section is used. If such a section exists to give protection, people will usually try to abide by the constraints that it imposes.

Mr Rumbles: How many times?

Miss Goldie: The section has been there as a guardian of fundamental right.

Mr Rumbles: How many times?

Robin Harper (Lothians) (Green) rose—

The Deputy Presiding Officer (Patricia Ferguson): I would like to see some order in the chamber—members will not conduct conversations across benches without having indicated their wish to intervene. Please continue, Miss Goldie.

Miss Goldie: I am grateful.

Robin Harper: Will Miss Goldie give way?

Miss Goldie: No, thank you.

I say to Mr Rumbles that it is clear that when there is statutory protection, it is there for protection—it need not speak for itself because it is there to deter. The evidence from down south is that material was available that, in the absence of

section 28, might have been advanced for circulation—no one has illusions about the nature of that material or the intentions of certain bodies in circulating it.

Nora Radcliffe (Gordon) (LD): Will Miss Goldie give way?

Miss Goldie: I am sorry, but I am running over my time and I would prefer to get on with my speech, if Nora Radcliffe will forgive me.

According to the consultation paper, the views that the Executive appears to be interested in are, amazingly, those of the British Potato Council and of the Deer Commission for Scotland. Unbelievably, however, the Executive is not interested in the views of school boards.

The Deputy Minister for Local Government (Mr Frank McAveety): Will Miss Goldie take an intervention?

Miss Goldie: I am sorry, but I am running out of time—I have been generous in accepting interventions.

The Executive's attempt to repeal section 28 and replace it with unenforceable waffle is, frankly, unacceptable to the Scottish Conservatives and to the majority of people in Scotland. Political posturing, political correctness and juggling with parents' emotions must stop. Common sense must prevail. Public opinion matters, and as one eloquent advocate of repeal observed in the House of Commons on 17 May 1994:

"It is a sad occasion when the Secretary of State and his junior Ministers totally ignore public opinion. There can be no greater and more sinister development in any democracy than when the gap between the Government and the governed grows so large with no prospect of being bridged".—[*Official Report, House of Commons*, 17 May 1994; Vol 243, c 747.]

That accurately describes the situation in Scotland today: there is a yawning gulf between the view that the Government insists on advancing and the feelings of the majority of people in Scotland.

Kate MacLean (Dundee West) (Lab): Will the member give way?

Miss Goldie: No.

I hope that the utterer of the words that I quoted, Mr Henry McLeish, will stick to the counsel that he gave in 1994 and will proffer it to his party today. The people of Scotland will be grateful if he does.

It is with regret that the Conservative party is unable to support the bill because we perceive that it has a fundamental flaw. We are unable to agree to the repeal of section 28 in the absence of any satisfactory reassurance that it will be replaced by meaningful and enforceable guidelines, which will be of comfort to the people and parents of Scotland.

10:41

Donald Gorrie (Central Scotland) (LD): In view of Annabel Goldie's remarks about her colleague, if she were on the other side of the argument, some of the publicists on this issue would run headlines saying "Conservatives Support Cannibalism". A problem with this debate is that there is a great distorting element.

The bill contains two distinct elements: first, the improvement to the regulation of councils and other public bodies; and, secondly, the repeal of section 2A. The Liberal Democrats are entirely in favour of both components of the bill, although in due course we will support amendments to improve the first.

Most of the bill relates to the principle of external regulation of people in public life, such as councillors, and people on quasi-autonomous non-governmental organisations and all other sorts of bodies. In almost every organisation—whether it be the Church, the police, lawyers, business people, the City, or politicians—self-regulation has proved faulty in practice. There has to be an external system of regulation; the question is how to introduce as fair a system as possible.

I will deal first with the other element of the bill, which addresses the question whether we should end the discriminatory section 2A. The Local Government Committee has been united and positive on the issues, and has heard evidence from many people that the section has been discriminatory and has had an adverse effect, and that its removal would have a beneficial effect. Two of the representatives of the Association of Directors of Education made a positive contribution to the discussion. If the sort of information that they gave were circulated to people, we would get on much better.

The Scottish Council for Single Homeless, speaking on behalf of a swathe of housing organisations, said that there was evidence of prejudice against homosexuals, to which the section contributes; it inhibits councils from addressing it. If people had the opportunity of hearing such evidence, they would accept that section 2A should be deleted.

I was especially struck by a remark by a director of education:

"The future is not what older people think, but what younger people do."—[*Official Report, Local Government Committee*, 14 March 2000; c 708.]

That is a salutary thought for people of my age.

We accept that there has to be a much better effort by the Executive and the Parliament to put over the facts of the matter and to persuade people that the scare stories are not correct. Those of us who wish to delete section 2A must

launch a truth offensive. In particular, we must talk to and listen to young people. The evidence that we have had shows that, when young people have been consulted, they favour getting rid of the section and are relaxed about the whole thing.

We must try to clarify what public opinion actually is. Annabel Goldie claims that public opinion is on her side, but I believe that that is extremely doubtful—it all depends on what question is asked and what propaganda is put out. We must put our side of the argument more strongly throughout the country and listen, especially to young people.

The bill mainly concerns improving public life. If we accept that self-regulation does not work, we must set up a regulatory system. The Liberal Democrats share the unanimous view of the Local Government Committee that the proposals should apply to all those who are paid from the public purse and hand out money from the public purse. It is not acceptable for some people on public bodies to be governed by the regulations while others are not. As the bill stands, in an organisation that consists of a mixture of councillors and non-councillors, the councillors will be subject to the standards commission whereas the non-councillors will not be. Moreover, some bodies will not be regulated while others are—the structure is rather arbitrary. Liberal Democrats believe in the simple proposition that the bill should apply to all people who are paid by the public purse and give out public money.

It is unfortunate that the bill does not deal with surcharging. I hope that an amendment can be lodged to rectify that. The measures on surcharging are totally absurd and unjust—they are never used anyway, so they should be got rid of.

We believe that the bill should positively encourage the establishment of local standards committees. As local democrats, we do not want to compel a council to have a local standards committee if it does not want one, but we believe that such committees would sieve out many of the malicious complaints that have been mentioned. People in public life get shot at sometimes correctly but often unfairly. There are people who are locally well known to stir things up, making allegations without any great basis in fact. Local committees could sieve out malicious complaints or, perhaps, complaints that were intended to destabilise a council with a narrow political balance.

We want reassurance on the impact on the proposals of the European convention on human rights. The Executive gave an assurance that the bill was clean, so to speak, in relation to the convention, but I have since had representations from councillors saying that, as the standards

commission will be appointed by the minister, it will be in the same position that other legal people find themselves in—for example, councillors who are justices of the peace are no longer allowed to sit in court, so it is not clear whether people who are appointed by the Government will be able to sit in justice over councillors in a quasi-judicial fashion.

We must consider whether the proposed procedures are fair, not only under the convention, but in accordance with natural justice. Kenny Gibson dealt with one or two points on that, but there is concern about how fair the procedures will be to the councillors who are governed by the system.

There is strong, all-party support for the main provisions of the bill, although there is obviously a separate argument about section 2A. The bill will be an interesting example of how well the Parliament and the Executive can deal with an issue on which there is general consensus but a desire for improvement. It will be a test of whether we can work together to improve the detail along the lines suggested by the Local Government Committee.

We hope that the Executive will not go into a concrete bunker to defend the bill. We hope to keep party animosities out of it and to produce a really good bill. It is important for Scottish local government that we can re-establish confidence and give a fair deal, to both the public and the councillors. We welcome the bill and look forward to dealing with it in detail in committee. The Liberal Democrats are solidly behind the principles of the two elements of the bill.

The Deputy Presiding Officer: We now move to the open part of the debate.

10:50

Trish Godman (West Renfrewshire) (Lab): I thank the Local Government Committee for its commitment and work in producing the report. I also thank the officials who helped us. The problem with being the committee convener is that people get to speak before me and so steal my speech; members might have to put up with some repetition.

The bill is a necessary piece of legislation if we are to begin to restore public confidence in politicians and public institutions. It is important that the public can have confidence in all tiers of government—all public bodies—and the bill should be viewed as starting the process of rebuilding such confidence.

To date, extensive consultation has taken place and the Executive has moved significantly on some areas—on the right of appeal, for example.

However, I want to talk about the areas that have not been taken on board. As has already been said, local enterprise companies, college councils and university senates are not on the list of outside public bodies, yet they spend millions of pounds of public money. I was pleased to hear Wendy Alexander say this morning that that would be considered again at stage 2. That shows that the Executive is listening, not only to the committee, but to others with an interest, and has taken a step forward.

The standards commission should be able to deal with all aspects of conduct across the public sector, local government and the Parliament itself. I have said that MSPs should be included in the bill; the Local Government Committee supports that position. Although I accept that that would duplicate the role of the Parliament's Standards Committee, I do not believe that it is beyond our ability to find a way to ensure that MSPs are working to the same standards as councillors and other appointed public servants.

The Local Government Committee hopes that the Standards Committee will use the bill as a template for MSPs and will ask the Executive to consider what arrangement or legislation is needed to ensure that we have the same expectation for the conduct of MSPs as we have for others across the public sector. We have to be seen to be equal right across the board.

The committee felt that when a complaint has been made against an individual, it is very unfair to allow the investigation to continue without a time limit. We suggested that 90 days is a reasonable limit for any investigation and that any extension should be agreed through application to the standards commission. Again, I was pleased to hear Wendy Alexander comment on that this morning; she told us that that would be considered at stage 2.

I started my comments by saying that one or two people—who shall be nameless—stole my speech. I do not wish to go over things that have already been said, but I would like to comment on section 2A. The Local Government Committee supports the position of the Executive. Indeed, we believe that it would be wrong—and that it is wrong—to discriminate against any minority grouping. However, I have to say that like many people in the Parliament and elsewhere in the country, I have been disturbed and disappointed by the tone of the debate.

When, in 1988, the Thatcher Government introduced the legislation, there was no justification for it. In 2000, there is still no justification. Its presence on the statute book, directly or indirectly, creates a climate of confusion, fear and intolerance. Section 2A was introduced not to protect, but to discriminate. The

view that by ending discrimination one is somehow attacking the family and family values is not only utter nonsense, but dishonest. To end discrimination anywhere is to support people everywhere.

The Executive has a strong case for repeal, and the inclusion of section 26 shows its determination to promote the value of a stable family life in a culture of tolerance and equality. However, the Executive must show more determination to be proactive in promoting this anti-discrimination legislation, and should provide clarity where it is needed. The promotion of sexuality, racism and agism is neither appropriate nor acceptable in schools; good practice should be a good school-parent partnership in all aspects of children's personal and social education.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the member give way?

Trish Godman: No; I am winding up.

I have identified a number of concerns, many of which I hope will be addressed during the bill's passage. Overall, the Local Government Committee agrees that Parliament should approve the general principles of the bill.

10:56

Nicola Sturgeon (Glasgow) (SNP): I will concentrate my remarks on the repeal of section 2A. Let me make it clear from the outset: the Scottish National party supports repeal, although it recognises that this is an issue of conscience for some people. The SNP supports repeal because section 2A is a discriminatory piece of legislation that has no place on the statute book of the Scotland that we want to live in.

Section 2A was not enacted to protect children. In the previous debate on the issue, the Tories were challenged to cite just one example of the promotion of homosexuality in Scottish schools prior to the enactment of section 2A. They were unable to do so then, and still are now, because no such examples exist. Furthermore, there have been no examples since the section was enacted.

I can see that Mr Monteith is dying to get to his feet; I am happy to give way and allow him to cite examples now.

Mr Monteith: The member is being disingenuous. We have argued all along that the fact that no teachers or local education departments have been prosecuted under section 28 is not an argument that the law is not needed. In fact, the law has been working, which is why we want it to be retained unless other safeguards are put in place.

Nicola Sturgeon: If Mr Monteith had been

listening, he would have known that I was referring to the period before the enactment of section 2A. If the Tories' argument is based on the fact that section 2A was enacted to protect children, they must be able to rely on some examples of the promotion of homosexuality in schools prior to that enactment. However, they cannot, which gives the lie to their basic argument.

The fact is that section 2A was not, is not and never will be about protecting children. It is simply about discrimination; it is about isolating people in one section of the population and labelling them as unacceptable in a way that would have been unimaginable had it concerned any other minority in Scottish society.

That said, many people in Scotland have expressed fears about the repeal of section 2A, which is not surprising, given some of the misinformation that has done the rounds in the past few months. However, the majority of those people are not prejudiced or anti-gay; they just have a natural desire to protect children and are scared about what might happen after the repeal of the section.

However, the natural desire that we all have to protect children must not become confused with support for legislation that legitimises intolerance and prejudice. Intolerance, prejudice and discrimination are exactly the kinds of sentiment that we should be educating our children to reject. Instead, we should be protecting children against exposure to inappropriate material of any description. As section 2A has never done that, the question is how we ensure such protection and provide the reassurance that many people seek.

We should not forget the first line of defence against inappropriate material in schools—Scottish teachers. Their professionalism, good sense and judgment protect children against threats and dangers of all varieties every day of every week of the year. Our teachers deserve our trust. However, we also need clear, non-discriminatory guidance for the protection of teachers as well as children. The SNP has welcomed Labour's earlier commitment to consult on and introduce guidelines on sex education prior to the repeal of section 2A. That said, people still take the view that guidelines are not sufficient; although they trust teachers, they do not trust local authorities to pay heed to guidance.

The Government has found the answer to that problem, although so far it has refused to recognise it. Section 12 of the Standards in Scotland's Schools etc Bill obliges local authorities to have regard to guidance issued by ministers. A similar section in this bill would oblige local authorities to have regard to guidance on sex education.

Mr Monteith: Will the member give way?

Nicola Sturgeon: I am winding up. For the avoidance of doubt—[*Interruption.*] Mr Monteith may laugh, but he did not take the opportunity to make constructive use of his previous intervention, so he should not expect another this late in my speech.

For the avoidance of doubt, the SNP is not talking about statutory guidance, which, as the minister pointed out, is a contradiction in terms, or a move towards a national curriculum—let me make it clear that the SNP will never support any moves towards a national curriculum. What we are suggesting is, quite simply, in the words of Judith Gillespie of the Scottish Parent Teacher Council, public accountability.

The SNP's suggestion, which we will lodge as an amendment to the bill at stage 2, provides a solution. It provides a real way forward towards repeal of a despicable piece of legislation, towards new, non-discriminatory guidelines and towards vital reassurance for parents.

The Parliament's Education, Culture and Sport Committee, in its stage 1 report on the bill, asks the Executive to give consideration to that suggestion. I urge the Executive to follow that advice. The SNP will support the bill at stage 1.

11:01

Bill Aitken (Glasgow) (Con): It is unfortunate, to say the least, that a bill that undoubtedly has some merit should be used by the Administration as a Trojan horse to pursue its much-vaunted aim of deleting section 2A from the statute book. Frankly, the Administration has demonstrated time and again that it is hellbent on scrapping that legislation and on giving a metaphorical two fingers to Scottish public opinion. If the Executive is prepared to follow that line, it should have had the political courage to deal with the matter under a separate piece of legislation, rather than putting it into this hotch-potch bill.

In the time available to me, I want to deal with the local government issues raised by the bill. The bill is largely cosmetic and anodyne.

Robin Harper *rose*—

Bill Aitken: However, we do not share the view of those critics who say that the bill is unnecessary. Clearly, it is necessary. Annabel Goldie narrated a series of events from the recent history of Scottish local government that underline the necessity of the legislation—Monklands, Glasgow City Council and direct labour organisation mismanagement.

Dr Elaine Murray (Dumfries) (Lab): Will the member take an intervention?

Bill Aitken: I will take Robin Harper's.

Robin Harper: I speak for the Scottish Green party, which too increased its vote at the Ayr by-election.

Mr Rumbles: It was not hard.

Robin Harper: No, it was perhaps not that difficult.

The Scottish Green party has consistently opposed section 28 and campaigned for its repeal. Does Mr Aitken agree that the issue is a matter of principle? Section 28 is discriminatory—it introduces discrimination into schools. Speaking of matters of principle, may I ask the member whether he agrees that, if those people who opposed hanging had not stuck to their principles, we would still have hanging in this country?

Bill Aitken: I agree totally with Mr Harper's submission and underline the fact that, if the result of the Ayr by-election were to be repeated throughout Scotland at the forthcoming general election, I would be a lot happier than him.

Let us return to the issue and consider the legislation that is in place to deal with the matters that I have outlined. First, there is the sanction of the police and the procurator fiscal acting under the Prevention of Corruption Acts. There is also the local government ombudsman and the Accounts Commission. Our very real fear is that there is now a degree of overlap. The minister should address that when he sums up and at stage 2. When the matter comes back to the chamber, we will be tempted to lodge an amendment to deal with the overlap.

There are superficial attractions in having local government standards committees in each local authority, albeit under the supervision of the local government ombudsman. However, there are other issues that the legislation does not deal with. Donald Gorrie was correct to raise the matter of arm's-length companies and there is clearly an inconsistency and unfairness if elected councillors can be subject to the sanctions under the bill whereas those who are not elected could be found guilty of the same misconduct with no sanction available to be used against them.

What about unpaid council tax? I am well aware of the data protection legislation, but the bill should have addressed the issue of unpaid tax. Mr Gibson will no doubt recall from his days at Glasgow City Council how frequently questions were asked about the financial relationships involving Labour councillors, the authority's finance department and unpaid arrears. Surprisingly enough, the answers to those questions were not given until a short time after one council member defected from Labour's sinking ship to join the SNP. Lo and behold, those

financial affairs then became public knowledge very quickly. That was of more than passing coincidence. Surely the bill should deal with the real scandal of unpaid council tax.

Aspects of the bill deserve, and will receive, support. We recognise that, unfortunately, some of the legislation is necessary. In a perfect world, it would not be, but the world is far from perfect. Much of what is proposed is common sense, and we will be supporting the vast majority of the bill's provisions at stage 2.

On the vexed question of section 2A, it is unfortunate to say the least that the Government is not prepared to listen to the opinion of the vast majority of the Scottish public, who believe that the measure should stay in place. It is unfortunate that section 25 detracts from the basic principles of what is otherwise an acceptable bill.

The Deputy Presiding Officer: A number of members wish to speak in the debate; if we are to accommodate anything like the majority of them, it will be necessary to stick a bit more closely to time.

11:07

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I very much welcome today's stage 1 debate on the Ethical Standards in Public Life etc (Scotland) Bill. Unlike Bill Aitken, I believe that the bill is important. It provides for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies. It imposes on the organisations concerned a duty to help their members to comply with the codes of conduct.

Very important, the bill establishes a standards commission for Scotland to oversee the new framework and to deal with any alleged breaches of the codes. The bill will help to establish clear standards of behaviour among elected councillors and members of public bodies; it provides for a much-needed system for the investigation of complaints of improper conduct.

The bill contains a number of welcome initiatives. One is a code of conduct issued by ministers. That code is to be approved by us, the members of the Scottish Parliament, together with a model code to which each public body will be expected to adhere. The establishment of a standards commission is very welcome, especially as it will be a commission with teeth. The bill creates the post of a powerful chief investigating officer, whose duty will be to provide the commission with information and to conduct investigations.

The bill provides for the introduction of a register of interests, which every council and devolved

body—as diverse as the Accounts Commission, the Crofters Commission, health trusts and the Scottish Arts Council—will set up, maintain and make available for public inspection. The list of bodies could be expanded at stage 2.

The bill brings real, welcome developments, which come hard on the heels of the Parliament establishing its own code of conduct, following on from the "Register of Members' Interests" that was established under the Scotland Act 1998. The Standards Committee of this Parliament is already well on its way through an inquiry into the various models of investigation that are available. I do not want to pre-empt the committee's findings and the wishes of the Parliament, but I believe that the committee may well recommend a system for the investigation of complaints similar to the one proposed in the bill, either through a parliamentary commissioner or through a standards officer or standards adviser.

Members of the Local Government Committee have suggested that MSPs could come under the remit of this bill, as the bill sets out standards for public bodies. The Standards Committee has considered the issue in some detail. Evidence that was submitted to the committee strongly supported the view that regulation of the conduct of MSPs was a matter for the Parliament and that it would not fit well with the system proposed in this bill. The Deputy Minister for Local Government said:

"I am not convinced that fastening onto the system set out in this bill would be appropriate, the main difficulty being that the bill establishes a regime specially designed for councillors and members of public bodies, it provides for the codes of conduct, the members of the commission and the investigating officer to be appointed by ministers. I am not certain that MSPs would be content that any of those provisions would apply to the regime regulating their conduct—having members subject to a code set by the Executive and policed by a body appointed by the Executive would be rather odd."

I could not have put it better myself.

This bill is, without doubt, a major step towards cementing the bond of trust between the community and its public representatives. I am convinced that it is an important milestone in the development of our democratic society and will strengthen public confidence in our local government system. My only disappointment is that the major reforms, on which the Executive should be congratulated, are being overshadowed by the disproportionate attention being paid to section 25 in part 4 of the bill. I will resist the temptation to add further to that attention.

I am conscious of the time so I will conclude by saying that I welcome this debate. I congratulate the Executive on producing the bill quickly and urge that it receive overwhelming support from the chamber.

11:12

Kate MacLean (Dundee West) (Lab): This will probably be the only thing on which I agree with Bill Aitken today, but I, too, think that it is unfortunate that most of the content of the bill has gone virtually unnoticed due to the inordinate amount of attention given to the repeal of section 2A.

As one who was a council leader for seven years, I support a framework that will ensure that the highest standards are adhered to in councils and other public bodies. I stress, however, that it is my experience that high standards already exist in the majority of councils.

It is to be hoped that, as the bill progresses, more attention will be paid to the substantive issues that it deals with. That is not to say that the repeal of section 2A is not important. As a principle, it is extremely important and, as evidence of the Parliament's commitment to mainstreaming equality in Scotland, it is crucial. Unlike Annabel Goldie and Bill Aitken, I do not think that the majority should be allowed to discriminate against the minority—discrimination against any minority should not be acceptable. I remind the chamber that, if politicians had listened to popular opinion, the Race Relations Act 1976 would never have been brought in.

As Trish Godman said, the standard of debate from those opposed to repeal has been disappointing. There has been a campaign of misinformation, cynically intended to cause alarm and fear. We have recently found out that that will culminate in an opinion poll to find out how effective the campaign has been.

Because of this issue, I have over recent months met many gay and lesbian people. It is ludicrous to suggest that such people or their personal lives are dangerous to our children. I suggest that other people's obsession with those ordinary people's sex lives is more damaging to society than is teaching our children about diversity and respect.

I am sure that the concern for our children is genuine, but I suggest that the resources and energy that has been put into the Keep the Clause campaign would have been better spent on projects and campaigns to address real issues that face young people, such as problems of sexual health, sexual identity and self-esteem. People should be more alarmed about the rates of teenage conception in Scotland, which are the highest in Europe—Dundee has the highest rate in Scotland—and about the early sexualisation of our children. Those are the areas in which we are failing our young people badly.

There has been a suggestion that we repeal section 2A and replace it with a measure that not only discriminates against same-sex relationships

but extends discrimination to every relationship other than heterosexual marriage.

Although I have been happily divorced for many years, I have great respect for the institution of marriage. I respect equally lone-parent families, grandparents who bring up their grandchildren, same-sex families, foster carers and the carers of children in residential homes or schools. Whatever the type of family situation or circumstance, I respect it if it provides happiness and security and allows a child to reach their full potential. Any situation can be good or bad; it is not the institution that dictates that, but the individuals who are involved.

Finally—as I know that time is short—I return to the so-called referendum. Vast sums of money have been spent on misinforming the Scottish public about the repeal of section 2A. The so-called referendum will be useful for the people who have spent that money to gauge how successful that expenditure has been—that matter is entirely for them. However, I do not intend to dignify that opinion poll by responding to it. When I receive my ballot paper, I shall put it straight in the bin, and I urge every other fair-minded person in Scotland to do the same.

11:16

Colin Campbell (West of Scotland) (SNP): I speak as a member of the Local Government Committee—a remarkable committee in as much as it has never voted on anything. If members want to see how a committee can work consensually, they should attend that committee. I would like to pick up several points that have been touched on. If I appear to reiterate a point, I urge members to take it as a re-emphasis.

All public bodies that operate in Scotland and spend public funds should be covered by the bill's provisions. I do not believe that the minister has any objection to the spirit of that intention; her objections are of a practical or legal nature. None the less, local enterprise companies, college and university boards, area tourist boards, housing associations and other similar bodies should be subject to the same standards as councillors and quangos. For a variety of reasons, there has been a mushrooming of arm's-length companies, such as recreational trusts and other businesses, which are also notable by their absence from the bill.

I hate to cross Mike Rumbles—who has left the chamber anyway—but, in a thoroughly inclusive spirit, the MSPs in the Local Government Committee took the view that MSPs should be included in the terms of the bill on two counts. First, MSPs should be obliged in principle to maintain the same standards as everyone else. Secondly, if there were equality in expected

standards, that would create more confidence in the relationship between MSPs and others. Without that equality, MSPs could be regarded as imposing a regime on others that did not apply to themselves. That would not be good politics and it would not foster good human relations.

I am absolutely confident that the whole Parliament wants to achieve the highest possible standards in public life and that it will make every effort—through its committees and legislative processes—to cast the standards net as widely as is humanly and legislatively possible.

I now refer to the vexed question of the surcharge on councillors. Councillors are overworked and often under-appreciated. They are in the front line of day-to-day politics and deal with the immediate concerns of citizens. Most of them carry out their duties for a derisory sum of money, and it is quite unforgivable that we as MSPs should be free of the threat of anything like surcharge while they are liable to major financial penalties. It is ludicrous that people who serve their immediate communities for so little have the threat of a surcharge hanging over them.

I would like to quote from a meeting of the Local Government Committee—I am happy to use this quotation, as it is from my own speech. [*Laughter.*] Well, we must get a wee laugh in somewhere.

“Most of us have been councillors, which was probably the least well paid of the activities most of us have indulged in—and we were liable to surcharge. Having moved through the political system, we are no longer under threat of surcharge. I am curious to know why the Executive has not given its thoughts on that matter. We would like surcharging to be removed.”

To be fair, the Deputy Minister for Local Government, Frank McAveety, indicated that he shared the Local Government Committee's view. He said in response to my point:

“We are in discussions with the Accounts Commission and other organisations to determine what would be as effective if surcharging were abolished. It is about working with folk. We have had good submissions from the Society of Local Authority Chief Executives and Senior Managers, and we hope to bring something forward in due course.”—[*Official Report, Local Government Committee, 28 March 2000; c 755.*]

I welcome what the minister said. It is fitting that not only the same standards should apply to everyone in public life, but that the penalties for transgressing those standards should be uniform.

11:20

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Colleagues, I am particularly pleased to have the opportunity to speak in this debate, because I feel that the issues raised by the Ethical Standards in Public Life etc (Scotland) Bill are central to what our new Scottish

Parliament should be about and to the ethos of what we must achieve.

Our people expect us to create a more accountable system of government, so we must deliver one. This Parliament has made excellent progress in ensuring that high standards in public life are at the core of its work. We have a strict code of conduct for MSPs, an open register of interests and a powerful Standards Committee. I am pleased that we are considering the extension of those same high standards to our staff, who support us in our work.

However, our job as parliamentarians is not only to ensure the highest standards in this chamber. We must distil public confidence in all areas of public life, from our local authorities to health boards, local enterprise companies and beyond.

I am pleased at the introduction of the bill and at the establishment of a fully independent standards commission for Scotland, headed by a chief investigating officer. I am pleased at the introduction of a national code of conduct for local authorities and a statutory code for other public bodies, and at the provision under which local authorities and public bodies are to establish and maintain a register of members' interests, which will be open to public inspection.

We recognise that there are genuine concerns that the current ethical framework does not allow for open and transparent investigation of allegations of misconduct. The measures included in the bill will go some significant way towards tackling the lack of trust in and cynicism about politicians and public officials that is felt by many of our people.

It is important that, in introducing this bill, we take with us the good will of local councillors and other public figures. The bill must not be seen as an attack on local government; rather, it should be seen as an enhancement to it. Local government is central to the good governance of Scotland, and the bill will assist local government in the process of modernisation, thereby enhancing public confidence in its operations. The bill will provide a consistent framework of standards, which will allow for the protection as well as the investigation of public representatives. That move will be welcomed by many of the decent, hard-working councillors with whom I work day in day out, particularly those from South Lanarkshire Council and North Lanarkshire Council, which are in my constituency.

The bill will also help to ensure high standards in other areas of public life, as a new, statutory code of conduct will be introduced and adapted to suit the circumstances of each body. As a member of the Local Government Committee, I was pleased when Frank McAveety, the Deputy Minister for

Local Government, said:

"Councillors are elected and members of public bodies are appointed; but both serve the public. It is right that they should be seen to be governed by the same standards."

The Local Government Committee welcomes the general principles of the bill. We are pleased that, in light of responses to the consultation process, the Executive has made several changes to the draft bill, including the extension of the powers of the standards commission to cover members of relevant public bodies as well as councillors. We are also pleased that the commission will have the power to impose sanctions on those individuals who are found to have breached the code.

However, I join the committee in expressing reservations that a number of advisory bodies, such as local enterprise companies, further education colleges, housing associations and tourist boards, will be excluded from the proposals. As we know, individuals in those organisations are responsible for the management of considerable public funds and, like councillors, make policy decisions. The public must have confidence in the integrity of those officials.

I noted with interest the minister's comment that the operational framework of some LECs, boards of further education colleges and the like is autonomous from the Executive, but I would welcome Executive amendments to the bill to make appropriate arrangements for appointments to such bodies. It must also be noted that the three public bodies appointed by the Crown—the Mental Health Commission, the Royal Commission on the Ancient and Historic Monuments of Scotland and the Scottish Criminal Cases Review Commission—are excluded from the bill's provisions. In the spirit of accountability for all public bodies, it is important that representations are made to the Crown to allow those organisations to be brought within the remit of the bill, by whatever arrangements can be found.

Public confidence in standards in public life is an important issue and one that is central to public bodies, local authorities and this Parliament. It is a matter for each and every individual in public life. I urge members to support the bill.

11:25

Mr Adam Ingram (South of Scotland) (SNP):

Like Mike Rumbles, I am a member of the Standards Committee. I welcome the bill and I congratulate the Local Government Committee on its thorough scrutiny of it at stage 1. The committee's report raises a number of interesting questions, one or two of which I will address today.

The bill provides for the establishment of a

national code of conduct by the Executive in consultation with the Convention of Scottish Local Authorities. I appreciate the input of local government into the bill and I cannot overstate the importance of ensuring that elected members in local government are primarily responsible for drafting the code. The ownership of a code of conduct by councillors is crucial to its success, inspiring adherence to its letter and spirit.

The bill should be viewed in the context of a partnership between the Parliament and local authorities, with this chamber having due respect for the work of democratically elected councillors throughout the country. The bill encourages councils to assist their members in achieving high standards in public life, and it is my firm belief that the work that some councils have already undertaken in establishing their own standards committees could be beneficially applied across the country and should be promoted.

Partnership should not be merely a one-way street. I am aware that arguments have been presented that members of the Parliament should be brought under the scrutiny of the proposed national standards commission. Those arguments tend to be furthered by questions such as the following. Should not parliamentarians be required to meet the same standards that we expect of our councillors and of those who serve on other public bodies? Why reject self-regulation for councillors in favour of an independent commission, when a committee of MSPs is charged with the responsibility of investigating complaints against fellow members?

With no disrespect to colleagues, I believe that such questions betray a misunderstanding of the standards framework within which MSPs operate. That framework is built on the work of the Committee on Standards in Public Life—formerly chaired by Lord Nolan and chaired since 1997 by Lord Neill—which defined the seven principles of public life. Those principles have become the template for public standards regulation and are common across all tiers of government.

It must be emphasised that MSPs are not self-regulating. The Scotland Act 1998 sets the standards regime for this Parliament. Incorporated in our code of conduct are no fewer than 124 paragraphs based on statute regulating our standards. The Standards Committee's role is to ensure that members' behaviour in relation to that code of conduct is monitored.

Why is that a better solution than an independent commission? The fact of the matter is that, as the bill clearly stipulates, such a commission will be appointed by the Scottish Executive. Members should ask themselves whether such a commission could really be described as independent of this Parliament when

commissioners and the chief investigating officer are appointed by ministers.

Would the Lobbygate inquiry launched by the Standards Committee last year ever have got off the ground if such a commission had been in place? Remember that the Executive's first inclination was to resist a public inquiry. Surely it is better that we as MSPs should have a politically balanced parliamentary committee that can undertake investigations into the conduct of members, however exalted, and that can be seen to do so without fear or favour.

I commend the bill to Parliament and I acknowledge the work and consultation that has gone into bringing it before members today. However, as for the struggle to drive standards in Scottish public life ever higher, we must be aware that there is no one-size-fits-all solution.

11:29

Dr Sylvia Jackson (Stirling) (Lab): Wendy Alexander spoke about the spirit of modernisation; that spirit is at the heart of the bill. People had, and I hope still have, great expectations and high hopes for the Scottish Parliament. It is imperative that the Scottish Parliament lives up to its aims of openness and accountability. Trish Godman spoke about public confidence. It is important that the public have confidence not only in MSPs and how they conduct themselves, but in the wider public sector, which includes councillors and devolved public bodies. The bill is at the heart of the way in which those in public service conduct themselves, so it is important.

Kenny Gibson raised an important issue, which has been discussed at great length in the Local Government Committee—the range of bodies that should be covered by the bill under the title public service, or those bodies that receive public money. Trish Godman also alluded to that matter, which will need to be considered further.

Two main issues arise. First, can MSPs be included in the bill as it is presently drafted and, if not, what alterations would be needed? Secondly, should this bill be extended to cover the other bodies that have been mentioned, such as local enterprise companies, governing councils of further education bodies, university governing bodies and the area tourist boards? Correspondence has called for the ATBs to be included. The general feeling from the evidence is that as far as possible the bill should address those issues. However, the fact that a chief investigating officer and standards commission appointed by ministers would be looking at MSPs is causing difficulty, as it would mean that there was no independent person to oversee MSPs. There is something wrong with that; perhaps

Frank McAveety will say how we can address that difficulty.

At the very least we need to have, and I hope that the bill will provide for, a national code of conduct for all those engaged in public service. The code will have to be tweaked to meet the needs of different bodies, but an issue arises from using the same mechanism across the board, as that would have implications for MSPs.

I will quickly raise a few other matters. First, the Local Government Committee discussed the appeals procedure at length. I am glad that Wendy Alexander said that she has taken that on board and that the matter will be examined further. Secondly, an Educational Institute of Scotland submission called for the minimisation of harassment and malevolent claims against members. That must be looked at during the bill's later stages. The submission called for the range of sanctions that are available to the standards commission to be widened, and for the roles that the standards commission, the local government ombudsman and the Accounts Commission will take on to be examined—a point that was raised earlier. The criteria that apply to those bodies need to be tightened up. The submission also mentioned the protection of employees and other public servants from excessive investigation. Again, that must be looked at later. Thirdly, the Commission for Racial Equality made the important point that when we are drafting the code of conduct we ought to consider racial equality and equal opportunities.

Donald Gorrie made some excellent points about section 2A. He alluded to the evidence from Gordon Jeyes and Bob McKay from the Association of Directors of Education in Scotland. Gordon Jeyes said that

"repeal is no longer the sole issue. It is a signal that we make to civil Scotland and, more important, to tomorrow's citizens . . . Therefore, the Association of Directors of Education in Scotland wishes to make a commitment to resisting prejudice and ignorance."—[*Official Report, Local Government Committee*, 14 March 2000; c 708.]

11:34

John Young (West of Scotland) (Con): The ancient Greeks tied ethics to morals, but today standards are tied to benchmarks of good behaviour.

I first became a councillor in 1964. The then Glasgow corporation supplied me with a lovely green council diary, in which were the names of councillors and officials and the times of committee meetings.

In the 1970s, standing orders pages were added. In the 1980s, a declaration of interests section was added. Finally, in the 1990s, we

received 13 pages of the national code of local government conduct. In addition, Glasgow City Council set up a standards committee on which five parties were represented, as well as a number of outsiders, including Professor Alan Alexander. Some of the standards committee members are here today as MSPs. One difficulty that I foresaw at that time was this: where did internal party discipline of members end and the standards committee begin? To this day, I have never received an answer. Perhaps Frank McAveety or Trish Godman could give me an answer, because I wonder whether such a situation could arise at any level of government.

The Committee on Standards in Public Life, which used to be chaired by Lord Nolan and, since 1997, has been chaired by Lord Neill, defined the seven principles of public life as selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Over the past few months, section 28 or 2A has taken up many hours of media time. Virtually every MSP has been deluged with mail on the subject. I believe that the vast majority of the electorate does not want section 28 to be aborted. However, it is interesting to read that the European convention on human rights may be being thwarted in some ways. In the opinion of a QC, and contrary to the claims of the Executive, there is no legal right of withdrawal for parents. The QC also indicates that a letter sent by Sam Galbraith to, I believe, a Christian institute in Scotland—it was a draft circular—does not constitute guidance for the purposes of convention law. So difficulties could arise surrounding section 28.

I turn now to gay and lesbian rights. We had a gay and lesbian working party on Glasgow City Council. Its representatives, quite rightly, wanted to have the same opportunities as the rest of the population. No one in here would quarrel with that. However, one thing that puzzled me was that they then established a gay and lesbian business centre in the city, which would appear to conflict with their original request.

I agree with Kenny Gibson and others that it is unfortunate that section 28 has overshadowed the bill that is under discussion. The Nolan committee's first report, in May 1995, dealt with three broad areas of public life—members of Parliament; the Executive's ministers and civil servants; and quangos. Kenny Gibson mentioned the problem of malicious whistle-blowing, a point that had previously been highlighted in a committee report of November 1997.

All quangos are expected to be open, accountable and effective, yet the likes of members of national health service trusts—unlike councillors—do not have their names displayed in, for example, libraries. I asked nine intelligent and

knowledgeable people whether they could name their MP, MSP and councillor. Eight named their MP, six named their MSP, and four named their councillor. No one knew any member of their local NHS trust, so it appears that they are not very open.

An independent team of investigators directed by a chief investigating officer, or CIO, has been mentioned. The sanctions relating to councillors, including suspension from attending meetings for up to 12 months, or disqualification from office for up to five years, cause me some concern, especially the latter. Ministers of the day will appoint the CIO. Irrespective of which party may be in power, I think that that holds elements of danger. If a councillor has been elected, there are only two ways in which they should be removed—at an election, or by law. I am not at all happy with the sanctions.

A water industry commissioner has also been mentioned. I recommend that members refer to the letters column of *The Herald* today and read the correspondence on that subject.

11:39

Johann Lamont (Glasgow Pollok) (Lab): I apologise for being absent at the beginning of the debate—I was having transport difficulties—and missing some of the opening comments. I should also declare an interest: my husband is a councillor in Glasgow City Council. I understand that some people believe that that may prejudice what I say. I find that hard to believe, but there we are.

I broadly welcome the bill and am encouraged by the view that people have been taking on the importance of establishing confidence in people who serve the public, whether in councils, public bodies or elsewhere. There was a clear consensus in the Local Government Committee on a broad range of issues. Many of the concerns that were expressed in the committee have already been rehearsed and will be revisited at stage 2.

Aspiration is the easy bit—the devil is in the detail. We must re-examine seriously some of the concerns. I welcome the Executive's willingness to engage in debate and dialogue through the committee process. I hope that that will continue and that it will commend that approach to other members of the Executive at other times.

Specific concerns raised in the Local Government Committee include the problem that MSPs are not included in the bill. We must address that, not least to minimise the opportunity for cynicism about what we are doing. If we establish processes to regulate others but choose not to regulate ourselves, that will increase rather

than decrease cynicism. Adam Ingram's concerns about the way the system might work would apply equally to local councils and us. I am not comfortable with regulating myself but demanding other standards for others; I hope that Parliament will look at that at a later stage.

The committee was also concerned at the exclusion of groups such as local enterprise companies and bodies regulated by company law. It felt that that threw up contradictions and it did not find the Executive's response convincing. We need to cohere national ethical standards rather than to splinter them.

A lot of the debate has been on section 2A. As a member of the Local Government Committee and of the Equal Opportunities Committee, I heard a great deal of the evidence, much of which I found compelling. A clear recommendation of the Local Government Committee stage 1 report is that section 2A should be repealed.

It is evident that there is not one voice speaking for parents or for children. There are huge concerns for children, but they are not the monopoly of one group or one side in the debate. In the Local Government Committee and the Equal Opportunities Committee, Labour members welcomed the support of Liberal Democrat and SNP members in understanding the principles involved and supporting the Executive's moves to draft a section that focused on the needs of children.

I was disappointed that the willingness to meet the broad political challenges thrown up by the debate was not matched by the SNP education spokesperson, who could not resist opportunism and seeking party political advantage. This morning, I heard her saying on the radio that the distinction between the SNP and Executive positions lies between the guidelines being written into the bill or anchored in it. I presume her point is not so much the distinction as to show that there is one.

I draw members' attention to the Keep the Clause campaign's evidence to the Equal Opportunities Committee. It partially accepted that the section should go, that it discriminates and that there is no evidence of plans for gay sex lessons or of groups awaiting the opportunity to invade our schools with homosexual propaganda. That showed me that the Keep the Clause campaign is more comfortable arguing on billboards, in misleading petitions and through a referendum that will falsely polarise the debate than in dealing with the complexities that the debate has revealed.

Particularly today, when we are trying to encourage girls to challenge some of the roles currently apportioned to women through bringing our daughters to work, I hope that the current

discussion on guidelines for education in sex and relationships will provide an opportunity to raise the widely held concerns about the early sexualisation of our children and about some young boys' attitudes towards the legitimacy of using violence against their girlfriends.

The horrifying findings of the Zero Tolerance Trust on the attitudes of some young men—and indeed some young girls—about what is acceptable in a relationship and our concerns about early sexualisation surely give far greater cause for concern than the false fears that have been generated in the debate. I hope that the Executive will pursue concerns raised by Zero Tolerance in developing discussion with young people in schools.

11:44

Brian Adam (North-East Scotland) (SNP): I am disappointed that we have to have this debate at all. It would have been wonderful if we had in public life people of such upstanding character that the issues could be addressed through self-discipline. There have been calls for self and peer-group regulation, but I recognise that that also is unacceptable these days.

We have before us a bill that deals broadly with the public's concerns. I support the aspects that deal with ethics and standards in public life. I am a little concerned about a couple of aspects of the bill, in that the range of sanctions available to the chief investigating officer is not broad enough. The opportunity to suspend or remove a councillor from office is almost as bad as the arrangements for a surcharge, which was a blunt instrument. We should consider a broader range of sanctions as we go through stage 2.

The sanction of removing special responsibility allowances while someone is under suspension and still just under investigation is extremely unfortunate. We have encouraged people to put themselves forward for public office. They, and others, may depend on that income. They may suffer a substantial drop in income, which will not be rectified afterwards if they are found to be innocent. That matter should be examined closely.

I am also concerned that there appears to be an overlap of the functions of the chief investigating officer, the standards commission and a number of other bodies. The Accounts Commission has a role in this area, as does the local government ombudsman—I cannot remember what that individual's grand title is. We must ensure that there is not duplication and that the roles of those bodies are clarified. I look forward to the Executive introducing some clarity on that point at stage 2.

I broadly welcome the bill. I hope that, at stage 2, we can make progress on the issues that I have

mentioned.

11:47

Bristow Muldoon (Livingston) (Lab): Like Johann Lamont, I will start by declaring an interest: my wife is a councillor. Also like Johann Lamont, I was delayed due to transport problems, so I was not in the chamber at the start of the debate. I apologise for that.

Kenny Gibson said that the Local Government Committee has scrutinised this bill extensively, in its pre-legislative phase and at stage 1. The outcome of that scrutiny is that the Local Government Committee broadly welcomes the bill and recommends its general principles to Parliament.

This bill plays a part in restoring public confidence, which has fallen in recent years. One of the disappointing aspects of today's debate has been the attempt by Conservative members, on occasion, to use it as an opportunity to attack local government in Scotland. Public faith in politicians and politics is not just about local government; it also extends to Parliament. Every member, if they were honest about it, would be able to think of members of their own party who have fallen short of the standards that the public has a right to expect. Kenny Gibson struck the right tone when he said that we should not try to attribute blame for the fall in public faith, but examine ways to restore it.

The Executive, to its credit, has improved the bill in several ways. The welcome extension to cover all public bodies, not just local authorities, is supported by COSLA. I also welcome its commitment to lodge amendments to introduce a right of appeal for councillors who face dismissal from their post. That was missing from the original bill, has been called for by a wide range of bodies and is supported by the Local Government Committee.

A couple of issues remain to be addressed at stage 2. I do not wish to go over all the points that my colleagues on the committee have already made. However, we should ensure that the bill covers arm's-length companies, such as leisure companies, and industrial and provident societies established by local authorities either to spend public moneys or to manage public assets. My understanding is that, as it stands, the bill would apply to councillors on those bodies, but not to other members. We should ensure that there is a consistent procedure for councillors and other members of those bodies.

The Local Government Committee expressed concern that the bill does not outline established rules of procedure for the standards commission. While I recognise that it is not necessary for such

rules to be part of the bill, the Executive should consider a means of establishing them so that anyone who faces investigatory action or a hearing by the standards commission will know how the commission will go about it. It is only natural justice that, in any form of disciplinary procedure, people understand the procedure that they will face.

The bill represents a contribution towards re-establishing the public's faith in politics and government at all levels. I welcome the Executive's open approach towards many of the suggestions that have been made by committees and by bodies outwith the Parliament. I trust that that open approach will continue through stage 2.

11:51

Nora Radcliffe (Gordon) (LD): Scotland has a proud tradition of public service, which will be enhanced by the provisions in the bill to establish a framework for the fair and equitable application of a set of ethical standards for people in public life. Those underlying principles of fairness and equity make the bill a particularly appropriate vehicle for the repeal of a previous piece of legislation—section 2A of the Local Government (Scotland) Act 1986—that is neither fair nor equitable.

Article 2 of the first protocol of the European convention on human rights establishes a right to education; article 8 upholds the right to respect for family and private life; article 14 prohibits discrimination in the application of the other rights. The European Court of Human Rights has ruled that article 14 applies to discrimination on grounds of sexual orientation. The European convention on human rights is incorporated into Scottish law by the Scotland Act 1998.

Using a criterion that is an illegal basis for discrimination, section 2A singles out members of one group in the population and labels them and their relationships as unacceptable. For that reason alone, it requires to be repealed. However, there are other reasons.

The perception that section 2A offers protection to young people is wrong. Section 2A, if we read it literally, is meaningless. It has never been invoked in law. While I see the force of Miss Goldie's argument, I understand that in England and Wales it has not been applicable to schools for several years, since responsibility for governing schools passed to school boards from the local authorities through which the legislation applies.

Miss Goldie: The reason for that is that school governors in England have, I believe, a power of consideration of material and of veto, which is not, as I understand it, currently available to school boards in Scotland.

Nora Radcliffe: I thank the member for that expansion.

As it is a useless and meaningless piece of legislation, why bother about section 2A at all? The answer is that it has a number of negative and even harmful effects. Just having the sort of discriminatory and hateful wording of section 2A on the statute book at all signals the implicit legitimisation of intolerance, which could be extended, in some people's minds, to tacit acceptance of homophobic bullying or even violence.

The section has had an inhibiting effect on teachers' ability to answer questions from their pupils on issues around homosexuality. Young people who are gay or think that they may be gay have been denied proper support and counselling. The underlying motivation for homophobic bullying has gone unchallenged.

There has been a well resourced advertising campaign to keep the clause, but no real evidence has been produced that the repeal of section 2A will result in any harm to our children. The professionalism and decency of Scottish teachers will ensure that sensitive issues will continue to be taught in our schools in the appropriate way. National, local authority and in-school guidelines are in place and they are being reviewed to ensure that parental concerns are being met. Parents in Scotland will continue to be consulted about all teaching materials that are used for sex education in schools. Any Scottish parent may, if they wish, withdraw their child from a lesson—that option will remain.

Those are the safeguards that are in place for pupils and parents now, and which will be in place after section 2A goes. Liberal Democrats opposed section 2A at its inception and have supported its repeal ever since—as we do now. A society that demands high ethical standards is a society in which section 2A has no place. I applaud all aspects of the bill.

11:56

Mr Brian Monteith (Mid Scotland and Fife) (Con): I would like to pay tribute to the work of the Local Government Committee for its efforts in taking evidence on the bill. Although there has been much talk about the consensual nature of the committee, it is worth noting that on matters that concern the repeal of section 2A, Keith Harding, the Conservative member on the committee, noted his dissent. However, he did offer his support for other aspects of the bill.

The Conservatives agree with some 95 per cent of the bill, so it is with some sadness that we feel unable to support the bill today on account of our amendment not being accepted for debate. This is

the second time we have submitted an amendment at stage 1 that has not been accepted for debate, but today we find that an Executive amendment to a member's bill has been selected. Although I understand that the Presiding Officer does not need to give reasons why he does not select certain amendments, it would benefit members to have guidance on whether there is any purpose in lodging amendments at this stage of consideration of bills.

The Conservatives believe that reform is required and, therefore, we offer our support for much of the bill. We support the purpose of a standards commission, but we reserve our position on how its establishment might be achieved.

It is with some sadness that I note that the debate about the bill has concentrated on section 2A, but that is no surprise given the way in which the debate has developed. Section 2A was introduced in the late 1980s to deal with a genuine concern. There was no evidence of any prosecution previously because the legislation did not exist; its purpose was to deal with concerns that were raised by specific evidence in the metropolis of London.

Mr McAveety: Will the member give way?

Mr Monteith: I will carry on—I have a great deal to get through and I would like to make my points. If I have time, I will allow Mr McAveety to intervene later.

Members will be familiar with "Jenny Lives with Eric and Martin". In a sense, that document encapsulated the arguments in favour of the section.

Kate MacLean: Will Mr Monteith take an intervention on that subject?

Mr McAveety *rose*—

The Deputy Presiding Officer: The member has indicated that he will not take any interventions. Please carry on, Mr Monteith.

Mr Monteith: The act and the guidelines that accompany it deem such documents inappropriate. It is important that the Executive and the SNP—who suggest that they have some alternatives in mind—tell members whether they think documents such as "Jenny Lives with Eric and Martin" would be inappropriate and whether they can reassure parents with new guidelines and a new clause.

Nicola Sturgeon: Will Mr Monteith give way?

Mr Monteith: No, I am going to carry on.

When it comes to the arguments against the section and for repeal, bullying and discrimination are consistently mentioned. The guidance makes

it quite clear that bullying and discussions of all natures of sexuality can be dealt with in schools. There is undoubtedly discrimination in the letter of the law—discrimination about what can and cannot be promoted in sex education in schools. In that sense there is a rationale for the repeal of section 2A, which I will touch on in a minute.

However, has that legal discrimination been malicious? As I have outlined, the accompanying guidance allows teachers to deal with the issues of sexuality and homophobic bullying. Tim Hopkins of the Equality Network said on “Good Morning Scotland”:

“I am sure that things are getting better. There has been a big change in attitudes towards gay people in Scotland over the last ten years”.

Tim Hopkins, who supports the repeal of section 2A, accepted that even in the period in which the section has been in place gay rights have advanced.

The purpose of section 28 was not to attack homosexuals or their homosexuality; it was purely to deal with a particular problem then.

Mr Rumbles: Will the member give way?

Mr Monteith: No; I am very near to finishing.

If section 2A is removed, adequate reassurance must be put in its place. That is why we have submitted amendments to the Standards in Scotland's Schools etc Bill that allow for—

Nicola Sturgeon: Will the member give way?

Mr Monteith: I am coming to a point on which Nicola Sturgeon will be able to intervene.

Our amendments would allow for the explicit right of parents to remove their children from sex education and would give school boards the power to consider the material and curricular nature of sex education in schools.

The Deputy Presiding Officer: Please wind up.

Mr Monteith: Certainly.

In finishing—

Mr McAveety: Will the member give way?

Mr Monteith: If members had tried to make fewer interventions, I might have got through my speech quicker and had time to allow an intervention.

In winding up, I pay tribute to Wendy Alexander. Although she has made misjudgments in much of the handling of the issue, she has persevered and battled on and has gained a great deal of respect for the way in which she has put forward her views.

The Deputy Presiding Officer: Come to a close, please.

Mr Monteith: Unfortunately, the same cannot be said of the SNP, which has tried to ride two horses at once. Only yesterday in the Education, Culture and Sport Committee, the Deputy Minister for Children and Education—

The Deputy Presiding Officer: Come to a close, please, Mr Monteith.

Mr Monteith: Mr Peacock made it clear that section 12 of the Standards in Scotland's Schools etc Bill cannot be used to introduce statutory guidance. Therefore, unless there is support for our amendments to that bill and to the Ethical Standards in Public Life etc (Scotland) Bill, and unless adequate reassurance is given to parents, with some sadness we will have to vote against this bill.

12:03

Mr Gil Paterson (Central Scotland) (SNP): As a member of the Local Government Committee, I, too, begin by welcoming the bill, and by thanking all those who have worked so hard to produce the proposals that we are considering today.

I hope that the breadth of debate that there has been gives an indication of the range of issues that the committee has considered. The interest that there has been in this debate is a tribute to those in local government and across civic Scotland who are determined that we should have the highest standards in public life.

I congratulate the Executive on most of its work on the bill. I exclude from my congratulations the Executive's handling of section 2A. I would fail in my duty as a committee member and as a member of the Opposition if I did not point out that, as a consequence of the Executive's actions, the section 2A debate has been allowed to overshadow the bill and the other major subjects it covers. However, that matter has been adequately dealt with by Nicola Sturgeon and I do not intend to return to the detail of it.

From my work at all levels of public life in Scotland—first as a councillor and now as a member of the Parliament—I am confident in the determination and ability of the vast majority of people in the public domain to maintain high standards in public life. Repeatedly, the committee has heard evidence of how the thoughtless or selfish actions of a self-serving or careless tiny minority can tarnish and undermine dedicated public work. Repeatedly, the committee heard arguments for mechanisms to bring a halt to the actions of the few that taint the work of the many and lose the confidence of the people. The sentiment of the bill largely satisfies that aim and I am pleased that, as a committee, we have been able to draw together the strengths of experience from across our nation to ensure a framework to

secure best practice for all.

I said “largely satisfies”, but there are shortcomings, which have been mentioned today. This is the hard part of my speech—I will have to read my own writing. Representatives of four parties—John Young, Michael McMahon, Kenny Gibson and Donald Gorrie—all spoke of the need for public bodies that operate, and spend from the public purse, in Scotland to be covered by the legislation. The bill should be a catch all, rather than a catch some.

Colin Campbell and Bill Aitken spoke about the problem with arm’s-length companies. At present, when such companies are established by local authorities, the situation is rather anomalous. The Local Government Committee also feels that it is anomalous that a councillor, for example, would be the only one to be held responsible, while others in the company would not be treated in the same way.

Kenny Gibson and Brian Adam mentioned interim suspension, about which I, along with the Local Government Committee, have some difficulty in relation to loss of income. Many of our councillors, across the parties, are full-time and put a lot of time into their work. I repeat my words from a Local Government Committee meeting, which best describe my feelings on the matter:

“If a councillor on responsibility payments were suspended, you would, in effect, be taking their employment and their salary from them. If the person turned out to be innocent and the suspension were lifted, that person would have had an unfair burden placed upon them and there would be no way of giving them back the income they had lost. A better way to proceed would be to treat them equally and pay them until they were proven guilty, as happens in the private sector.”—[*Official Report, Local Government Committee*, 28 March 2000; c 751.]

I think that we would all agree with that. The minister mentioned that there may be something on that in the future stages of the bill, and I hope that he takes that point on board.

Colin Campbell talked about surcharging. Why are councillors alone singled out and subject to surcharging? It is a penal instrument of the dark ages and should be dumped now, as is about to happen in England.

I praise the standard of the work that is undertaken in Scottish public life, in particular in local government. I draw Parliament’s attention to the Nolan committee’s 1997 report, which states that

“we have found an enormous number of dedicated and hardworking people. We are of course well aware of the relatively few, but highly publicised, cases where things have gone wrong or people have behaved improperly. But it is important to set such cases in . . . context”.

In Scotland, that context is a huge majority of dedicated, hard-working individuals, who selflessly

work for their local communities and for the nation’s benefit. The bill will protect their work and enhance their reputation. A little further consideration will ensure that such protection is broad and comprehensive. I commend the bill to the chamber.

12:09

The Minister for Children and Education (Mr Sam Galbraith): First, I add my thanks to the Local Government Committee for its considered review of the bill, and for its many suggestions and comments. I thank, too, the Education, Culture and Sport Committee, which also considered the bill and made a number of points. It asked me to consider those points further, which of course, as always, I am willing to do.

The bill, which sets the new ethical standards for local government and other bodies, is based on the principles of openness, fairness and trust. The codes will allow councillors and members of public bodies to demonstrate publicly the highest standards of conduct. Any failure in those standards will be dealt with fairly and firmly. The new ethical framework will bring to light the very high standards to which most councillors and members of public bodies adhere.

I was sorry to hear Annabel Goldie’s speech, because she is always most fair and measured in her comments. However, her attacks on local government and councillors were quite inappropriate. We should recognise the considerable contribution, including the long hours and the consequent disruption to family life, that many councillors make with little thanks and subject to abuse from all quarters. It does not behove any of us to use a few examples to attack that general principle. I hope that we will hear nothing further of it. I hope that the proposals in the bill will remove any shadow of suspicion and allow councillors and members of public bodies to get on with the business of local government and administration.

Mr Gibson made several points, most of which we will certainly consider. I was slightly puzzled by some of those points because, as Mr Gibson knows, we have moved considerably in the bill in response to the constructive comments that have been made. Many of the matters that we will need to discuss further are technical.

Many members spoke about the question of which bodies are covered by the bill. On that matter, we should adhere to principles—it is an issue for serious debate. There is a question about drawing a line. I heard Mr Gorrie say that we should include bodies paid from the public purse and which hand out money from the public purse. That can be taken to a *reductio ad absurdum*. Are

we talking about charities such as Help the Aged and other voluntary organisations? They are paid for out of the public purse. We must consider the problem of where we draw the line. We should not just draw the line against the folk we do not like. We must use logic in that and must be careful not to lose the good will that it out there.

Mr Campbell raised the question of surcharge. We are in extensive discussions on that and it is a matter of process rather than of principle. That is something that we will want to go back to in a further local government bill. Mr Paterson and others mentioned the special responsibility allowance. The SRA is given for the job that one is doing at the time. If a person is not doing the job, they are not entitled to the allowance. However, that is a point that we can debate. The basic allowance remains.

I turn to section 2A and its repeal. At Westminster, where I am still a member, I have heard several very important speeches. A couple of those were given by the late John Smith, who made some tremendous speeches at the time of the European debate in Parliament. Another seminal speech was the one given by Geoffrey Howe. I remember listening in awe, because we could not believe that he was saying what he was saying. However, the one that really struck me was the resignation speech of Norman Lamont. He said of the Major Government that its trouble was that it was in government, but not in power. I vowed that when I was in government, we would be in power.

Norman Lamont's criticism was that his Government spent too much time chasing the next day's headlines, being run by tabloids and other pressure groups, rather than deciding what was right and being accountable for it. That is why we are elected: to arrive at a decision based on our best judgment of the opinions and advice that we can get and to see that through. Tabloids and rich people change their views from day to day and are not accountable. They do not have to live with the consequences. Although it is important to listen to their comments, we must decide these matters for ourselves.

We have been accused of not listening to the public about section 2A. Indeed, at the end of my road, there were three of those posters saying that I was not listening and showing me with my fingers in my ears. By the way, my girls were not so sure that it was me on the posters; that man was too good-looking and his tie was tied perfectly—and I agreed with them. But such posters are an example of the kind of sophisticated, mature discussion that we have had on this important issue.

The Executive has listened to the public. People have said that they do not want gay sex lessons or

gay role-playing in our schools. We agree. There is no question of that happening. They have said that they do not want pornography in our schools. Again, we agree. In fact, that is a criminal offence. We have listened to the arguments against what we are doing, and none of them stand up. Furthermore, we have tried to meet parents' demands for statutory provisions: section 26, for example, recognises the importance of family life and the content of instruction.

A further argument about statutory guidelines was reiterated in this morning's debate. I am grateful that Nicola Sturgeon has pulled back from her earlier extreme position on this matter and is now talking about statutory guidance instead. She raised the very telling point with the Tories that there had been no problems before section 2A was introduced; however, she should remember that there were no statutory guidelines then either, so the logic of her argument about introducing such guidelines now does not stand up.

Nicola Sturgeon: Will the minister give way?

Mr Galbraith: Sorry, I am in my final two minutes.

I also remind Nicola Sturgeon that, when we asked the working group that was examining the existing guidelines to investigate the package of safeguards that were in place, it was content that the safeguards were sufficiently complete, wide-ranging and robust to meet the concerns of the public, parents and teachers. That group was made up of teachers, representatives from parents' groups such as the Scottish School Board Association and the Scottish Parent Teacher Council, the Catholic Education Commission and the Church of Scotland. We have listened to that group's recommendations, and introduced the necessary safeguards.

The Local Government Committee's report gives sound endorsement to our proposal to repeal section 2A and to introduce a new duty on local authorities in respect of their functions in relation to children. The repeal of section 2A will do one thing, and one thing only: it will remove an ugly constraint on local authorities. Section 2A has never protected our children. As Nicola Sturgeon said—quoting from me, I hope—our children are protected by the professionalism of teachers and education managers; by the partnership between schools and parents; and by the national and local guidelines. We set up a working group to examine those guidelines and, as I have already said, the package of safeguards was sufficiently complete, wide-ranging and robust to meet the concerns of the public, parents and teachers about the repeal of section 2A. The group will now continue with its work.

We have listened to people's comments on this

issue and have acted accordingly. I commend the bill to the Parliament.

Ethical Standards in Public Life etc (Scotland) Bill

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Ethical Standards in Public Life etc. (Scotland) Bill, agrees to the expenditure payable out of the Scottish Consolidated Fund of sums required to meet expenses of the Scottish Ministers in consequence of the Act.—[*Mr McConnell*.]

Business Motion

The Presiding Officer (Sir David Steel): The next item of business is consideration of business motion S1M-776 on the business programme, in the name of Mr Tom McCabe, as set out in the business bulletin.

The Deputy Minister for Parliament (Iain Smith): I advise the chamber that the Conservatives have indicated that the subjects for their debate on Thursday 4 May will be education and the provision of services for the elderly, which will be a separate debate. I also advise members that the Executive business on the afternoon of Thursday 4 May will be a debate on the role of sport in social inclusion.

I move,

That the Parliament agrees

(a) the following programme of business

Wednesday 3 May 2000

2.30 pm Time for Reflection

followed by Business Motion to include timetabling of Stage 3 of the Abolition of Feudal Tenure etc. (Scotland) Bill

followed by Stage 3 of the Abolition of Feudal Tenure etc. (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-750 Gordon Jackson: Govan Shipyard

Thursday 4 May 2000

9.30 am Non-Executive Business - Scottish Conservative and Unionist Party

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-626 Margaret Ewing: Glenrinn School Closure

Wednesday 10 May 2000

2.30 pm Time for Reflection

followed by Non-Executive Business – Scottish National Party

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the

subject of S1M-769 Mr John Munro:
The Cuillins

Thursday 11 May 2000

9.30 am Ministerial Statement
followed by Committee Business – Transport and Environment Committee Report on Telecommunications
followed by Business Motion
2.30 pm Question Time
3.10 pm First Minister's Question Time
followed by Debate on Special Educational Needs
followed by Parliamentary Bureau Motions
5.00 pm Decision Time
followed by Members' Business – debate on the subject of S1M-737 David Davidson: A90 Upgrade

and (b) that the Stage 1 of the National Parks (Scotland) Bill be completed by 24 May 2000.

The Presiding Officer: The question is, that motion S1M-776, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

Points of Order

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. You will be aware that the legal opinion, sought at very short notice and delivered to you this morning, suggested that your agreement to accept the Executive's amendment to today's stage 1 debate on the member's bill in my name was contrary to rule 9.6 of standing orders on the conduct of debate at stage 1 on members' and other bills.

The legal opinion makes it clear that the Executive's amendment draws into the debate issues that are beyond the remit of the bill and that would have been more appropriately dealt with at stage 2, when detailed amendments will be considered. The Executive has the opportunity either to move that the Parliament refers the bill back to the lead committee for further consideration of any issue that the Executive feels needs further consideration or, alternatively, to vote against the general principles of the bill.

Presiding Officer, you have allowed the Executive to abuse the standing orders of the Parliament by allowing it to put forward a statement that justifies it voting against the general principles of the bill. Like the Conservatives, the Executive does not deserve the opportunity to put such a statement forward. It has the right to vote for or against the bill or to refer it back. You are creating a special case for the Executive. It does not augur well for the future conduct of debates on members' bills if the Executive is to be allowed to interfere in this manner.

The Presiding Officer (Sir David Steel): I assure Mr Sheridan that I have given this matter careful thought during the morning. I must rule that there is nothing in the standing orders to prevent notice from being given of an amendment to a motion to agree to the general principles of a bill. Notice of amendments can be given at any time after a motion has been lodged. In this case, the rules relating to giving notice of motions and amendments have been complied with fully.

I will write to Mr Sheridan to respond in detail to the points raised in the legal opinion that he passed to me. However, the main argument in that opinion relates to the information contained in amendment S1M-772.1, which, it is argued, introduces matters outwith the scope of the general principles of the bill. The amendment to the motion does not attempt to amend the bill or the general principles of the bill. That is the point. It is my ruling, therefore, that there is nothing to prevent such information from being introduced in the debate this afternoon.

It is quite true that the Executive could simply

oppose the general principles of the bill, as the member suggested, but there is nothing out of order in its lodging a motion giving its reasons for opposing the motion, which is what has been done.

That is my ruling. I will write to the member in detail.

Tricia Marwick (Mid Scotland and Fife) (SNP):

On a point of order similar to that raised by Tommy Sheridan, I would like you, Presiding Officer, to address the wider issue of whether the key principles of the constitutional steering group report, which underpins the ethos of this Parliament, have been breached.

The CSG report is clear that

"the Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive."

The effect of accepting the Executive's amendment will be that no member's bill will ever become law unless it has the explicit support of the Executive. That is unacceptable, intolerable and flies in the face of what the CSG anticipated and what the people of Scotland expect.

Like Mr Sheridan, I do not believe that under standing orders it is competent to accept an amendment that changes the general principles of any bill.

The Presiding Officer: I must interrupt on that specific point. My point is that the amendment does not change the general principles of the bill, which is why I have given my ruling.

Tricia Marwick: I accept that an amendment such as that lodged by the Executive is not explicitly ruled out by standing orders. However, it is my view that, for all the reasons given by Tommy Sheridan and me, it should be. Will you therefore, Presiding Officer, raise this matter with the Procedures Committee as a matter of urgency so that the Parliament can have confidence in itself and its procedures, and so that the spirit of the consultative steering group report is upheld?

Mr John McAllion (Dundee East) (Lab): Further to that point of order, Sir David. Rule 9.6.4 of the standing orders says that

"the Parliament shall consider the general principles of the Bill in the light of the lead committee's report and decide the question whether those general principles are agreed to."

The amendment in the name of Mr Jim Wallace introduces material that the lead committee has not considered. There would therefore be a clear breach of rule 9.6.4 if the amendment is ruled to be in order.

The Presiding Officer: I am afraid that that is a misunderstanding of the rule, Mr McAllion. This is

the point that I have been trying to address to Mr Sheridan. The fact that the standing order refers to the stage 1 debate being conducted

"in the light of the lead committee's report"

clearly does not prevent any other matters from being introduced. That is the legal advice that I have had. I think that it is correct.

On the wider issue as to whether those matters should have been introduced at an earlier stage and debated in committee, I have a great deal of sympathy with what members are saying. However, that is a matter of political argument in this afternoon's debate, and indeed outside this chamber; it is not a matter of order for me in the chair.

Mr Alex Salmond (Banff and Buchan) (SNP):

On a point of order. I take what you say, Presiding Officer, but is there not something fundamentally suspicious and perhaps incompetent about an amendment that says that it agrees with the principle of what a bill is trying to achieve but goes on to say, in the same sentence, that it disagrees with the principles of the bill? I have never seen an amendment phrased or couched in such a manner in any of the Parliaments that I have been in. Is there not something fundamentally suspicious about an amendment that tries to take the standing orders and have it both ways?

The Presiding Officer: That is a point for perfectly legitimate political argument this afternoon. With regard to a point of order for me in the chair, I have simply to rule whether the amendment is in order or not in order. I have to rule that it is in order, and I will give my reasons in much greater detail in a letter to the original complainer, Mr Sheridan.

That, I am afraid, is all that I can say on the matter, and I suspend the meeting until—

Tricia Marwick: Presiding Officer, will you refer the matter that I raised to the Procedures Committee?

The Presiding Officer: I apologise. I forgot to respond to that specific request. The answer is that it is not always for me to refer matters to the Procedures Committee. Members are free to do so themselves, and I encourage Tricia Marwick to raise her point with that committee.

I am currently in correspondence with the convener of the Procedures Committee as to whether I should be referring matters to it. Any member is entitled to do so, and I think that Tricia Marwick raised a fair point which the committee ought to consider.

12:27

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we begin question time today, I am sure that members would like to welcome the group of Norwegian parliamentarians, led by Gunnar Skaug, who are in the gallery to observe our proceedings. *[Applause.]*

Question Time

SCOTTISH EXECUTIVE

Sex Offenders

1. Alex Fergusson (South of Scotland) (Con): To ask the Scottish Executive what plans it has to review the current duties of local authorities in relation to rehousing convicted paedophiles and other sex offenders, especially in small rural communities. (S1O-1556)

The Deputy Minister for Local Government (Mr Frank McAveety): I will be absolutely delighted to answer that question, as soon as I get my bearings.

Detailed guidance on housing of sex offenders was issued to local authorities in April 1999. At present we have no plans to review local authorities' duties.

Alex Fergusson: I thank the minister for his answer, which he just managed to get in. Will he confirm that he has received representations both from my colleague David Mundell and from the convener of Dumfries and Galloway Council, which I fully support, about the severe problems that are being experienced at present in that region with regard to rehousing of former paedophiles? Will he agree to meet Dumfries and Galloway Council and the other agencies involved to discuss the problem, as they have requested as a matter of considerable urgency?

Mr McAveety: I repeat what I just said: we think that appropriate measures are already in place to address the concerns that have been raised by the elected members. I should be delighted to discuss the situation with members from the area. If the local authority wishes to make a submission to my office, I will be happy to deal with it. However, essentially this is a matter of local concern, to be addressed locally within the framework that the ministerial team has outlined so far.

David Mundell (South of Scotland) (Con): I hear what the minister is saying, but does he accept that when an individual gains a profile in a rural community, it is not possible to deal with them under existing arrangements? Does he also

accept that the Scottish Executive both has a duty and should want to assist the local authority in dealing with that issue?

Mr McAveety: I reiterate that I should be happy to meet David Mundell and other MSPs from the area to discuss the matter. At the moment papers are being produced for discussion across ministerial areas that will address many of the concerns that have been raised.

Scottish Council for Research in Education

2. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive why it has withdrawn funding from the Scottish Council for Research in Education. (S1O-1562)

The Minister for Children and Education (Mr Sam Galbraith): The Scottish Executive has not withdrawn funding from the Scottish Council for Research in Education. For a number of years, the council has been funded on the basis of an annual service level agreement to provide the Executive with a range of research-related services. A costed list of services was tabled by the council on 6 April, and officials are now drafting an offer of contract to ensure continuity of services in 2000-01.

Donald Gorrie: Can the minister give an assurance that the SCRE or some other body will continue to provide the Executive with the services that the SCRE currently provides, as a national clearing house for research, interpreting foreign research in a Scottish context, advising ministers on research priorities and disseminating research results to teachers?

Mr Galbraith: What we require of research in education is diversity, quality and a certain degree of independence. A body that was consistently funded by us, and on which we would have board members, would not fulfil all those conditions. Research is changing rapidly in the educational community, especially now that colleges, with their ethos and background in research, are part of the university system. I look forward to continuing good relationships with all the bodies that are involved in research.

Student Finance

3. Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive whether it has any plans to amend the Education Authority Bursaries (Scotland) Regulations 1995 to allow local authorities the discretion to make awards to students living outwith their boundaries. (S1O-1549)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): There are no plans to make such a change. If Kenneth Macintosh has information about particular

problems, the Scottish Executive will be prepared to consider the situation further.

Mr Macintosh: Is the minister aware of the difficulties that are caused by the insistence of the law on residency within a local authority? In my area in East Renfrewshire, I know of one young man who has been at the same school for four years, and who would like to stay on for fifth and sixth year, but who, because of family circumstances, needs to earn some money. He would normally qualify for a bursary, which would encourage him to continue with his education, but because his family now lives just outside the East Renfrewshire area, the local authority does not have the discretion to award him that bursary. Does the minister agree that that is not an especially good example of joined-up government, and that we should keep that area of the law under review?

Nicol Stephen: I was unaware of that problem until today. The Executive is anxious to encourage young people—especially those from deprived families—to stay on at school for a sixth year. The education maintenance allowance trial in Ayrshire is about trying to achieve that. If there are problems with the operation of the regulations, the Executive will wish to take action on that. If Kenneth Macintosh gives me the details, I will investigate further and write to him in due course.

Housing

4. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive whether its housing policy will preserve the right to rent with equal importance as the right to buy. (S1O-1559)

The Minister for Communities (Ms Wendy Alexander): Our top priority is attracting new investment into rented homes. That is why our new housing partnership programme is expected to leverage over £2,000 million into homes for rent. We will also continue to recognise aspirations to home ownership.

Mr Rumbles: Is the minister aware that, in part of my constituency, in the old Kincardine and Deeside District Council area, the council housing stock has, since 1980, been reduced from 4,450 houses to just 2,900, and that there is a real fear that the proposals, as they stand, to extend further the right to buy might seriously reduce the availability of affordable rented housing in rural areas? Does the minister accept that maintaining affordable rented housing is vital to support rural communities, especially if we want to encourage young people to stay in the areas in which they were brought up?

Ms Alexander: It is precisely because we share some of those concerns that I can confirm that

Aberdeenshire Council has been awarded money under the new housing partnership programme that will deliver 184 homes for rent at low cost, and that Scottish Homes will approve a further 200 homes for rent in the next year, making a total of 384 homes for rent. That vastly exceeds the 120 additional sales—associated with the extension of the right to buy—that are estimated for the whole of Scotland.

Shipbuilding

5. Dorothy-Grace Elder (Glasgow) (SNP): To ask the Scottish Executive what progress there has been on talks to secure the roll-on-roll-off ferry contract and the type 45 destroyer contract for the BAe Systems yards at Govan and Scotstoun. (S1O-1565)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): The awarding of those contracts is a reserved matter. We understand that on current plans the Ministry of Defence intends to place contracts for the ro-ro service and for first of class of the type 45 destroyer later this year. The Scottish Executive has ensured that the United Kingdom Government is fully aware of the importance of those contracts to BAe Systems shipyards on the Clyde.

Dorothy-Grace Elder: I thank the minister—but he has not said where the contracts are going. Will he let me know the extent of military use to which the ro-ro ferries would be put? What would the percentage be? We need the truth, and not more damaging leaks, which deliberately play down military use and aid competitors with the Clyde yards. I trust that the minister agrees that the Parliament must prevent the Clyde from being sold out, and must protect thousands of Scottish jobs. Will he support an investigation by the Scottish Parliament into the secretive procurement methods of the Ministry of Defence in London and its outrageous and arrogant disregard for Scottish jobs?

The Presiding Officer: The military aspect is a reserved matter.

Henry McLeish: As a matter of courtesy to Dorothy-Grace Elder, she asked me what progress was being made, not where the contracts had been laid.

Everyone in the chamber is fighting to make sure that the Clyde gets orders to sustain capacity in the longer term. I defy anyone to argue against that. I like to think that we are unified; we are working very hard with the Scotland Office to ensure that every representation possible has been made. In a statement in the House of Commons on 17 April, the Secretary of State for Defence outlined the timetable, which is now extending—that is in our interests. Govan and the

Clyde will be heavily involved with the type 45 destroyers.

It is vital to push the campaign forward. The work force and the trade unions are doing that. Today is the first opportunity that the Parliament has had to unite around the fact that we want work for Govan. We want it for two reasons. First, we fought hard to win for the yard last year, and with the skills, commitment, energy and determination that have been put in, it deserves a future. Secondly, the United Kingdom needs warship capacity in the medium to long term. It is in the interests of the UK, of the work force and of Scotland that we unite to win.

Nicola Sturgeon (Glasgow) (SNP): I thank the minister for his words of support. He will be aware, however, of speculation that Govan might build only one of the roll-on-roll-off ferries required by the MOD. Is he aware that that would not in itself be enough to keep the yard open for the two years until it is due to start work, with Scotstoun, on the type 45 prototype? Is he further aware that what Govan needs to fill that gap is work equivalent to 28,000 tonnes of steel—that is equivalent to four roll-on-roll-off ferries? Does he agree that that calls for the entire contract to go to the Sealion consortium? Will he confirm that is what he will press the UK Government to deliver and that anything less would be a betrayal of the work force at Govan?

Henry McLeish: It is a pity that such questions are laced with words such as betrayal. Is it not true that everyone in this chamber, no matter their political party or whether they are part of the Executive, wants to see success? I say to Nicola Sturgeon that there has been much speculation—it is time for us to stop speculating and to continue, with the Scotland Office, the hard work. We met the Secretary of State for Trade and Industry and the Secretary of State for Defence. Everything conceivable has been done.

Let me make it quite clear: we want to retain shipbuilding capacity on the Clyde. We are doing everything possible to secure that and we should be optimistic that discussions are taking place at Westminster in which all the issues are being dealt with. I would like to think that the Scottish National party would put country before party and just say that it wants to support the work force to win the orders.

Genetically Modified Organisms

6. Euan Robson (Roxburgh and Berwickshire) (LD): I declare an interest as a River Tweed commissioner.

To ask the Scottish Executive what controls are in place to prevent the release of genetically modified salmon or other GM fish species into the

environment. (S1O-1557)

The Deputy Minister for Rural Affairs (Mr John Home Robertson): I am not a River Tweed commissioner.

Any proposal to release GM fish into the environment would be subject to consent from the Scottish Executive under the strict EU and UK regulatory framework. No application for such a release has been submitted, and we are not aware of any plans for such an application.

Euan Robson: I thank the minister for his reassuring reply. He will know of concerns that escaped farmed salmon can dilute the gene pool of salmon and sea trout in our rivers. Will he bear that in mind if there are any applications to farm GM salmon in Scottish waters?

Mr Home Robertson: Yes. Wild salmon fisheries are important to the Scottish rural economy. It would be fair to assume that the either deliberate or accidental introduction of very large alien fish into rivers such as the Tweed could threaten wild fish stocks. I am certain that the Advisory Committee on Releases to the Environment would take account of that consideration in determining such an application. The Scottish Executive would certainly take account of such considerations.

Dr Sylvia Jackson (Stirling) (Lab): Does the minister agree that if the issue arises, it should be brought to the Parliament before any decision is made?

Mr Home Robertson: Any decision will be made under the regulatory framework that has been established by the United Kingdom and the European Union. The final authority, as far as Scotland is concerned, will be the Scottish Executive, which is answerable to this Parliament and rightly so.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I thank the minister for his reassuring answers. I am not one of those commissioners either. In a constituency such as mine, the rod and line industry is jittery. Will the minister convey his reassurances, via suitable channels, to that industry?

Mr Home Robertson: I acknowledge the importance of angling interests to the Scottish rural economy in constituencies such as Jamie Stone's.

I draw members' attention to the consultation document that I published on Tuesday this week, on protecting and promoting Scotland's freshwater fisheries and fish. This is an important issue for the whole country. I hope that members will encourage angling associations and clubs to contribute to that consultation. This is an industry and an interest with great potential for our rural

economy. It is important for our environment, and we will take that into account in all our decisions.

Roads (A75)

7. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): To ask the Scottish Executive whether the planned improvements to the A75 and the time scale for their implementation as outlined in the A75 route action plan are sufficient to prevent any further losses of ferry traffic from the Loch Ryan corridor to other routes such as Holyhead. (S1O-1584)

The Minister for Transport and the Environment (Sarah Boyack): The transfer of traffic between routes from Eire and Northern Ireland will be influenced by a number of commercial factors beyond improvements to the A75.

Alasdair Morgan: I think that we are all aware of that, but what would the minister say to the Labour leader of the Dumfries and Galloway Council coalition, who said that he was disappointed at the time scale, and the number and scale of the proposed improvements? What would she say to the route director of Stena Line, who said that the proposed changes would have minimal impact?

Sarah Boyack: I would say to both of them that we have invested heavily in that route over the past few years. A number of major improvements have been carried out; the Glen was the most recent one.

In the announcement that I made on trunk road and motorway maintenance work a couple of weeks ago—£444 million over the next two years—I made it clear that the next two schemes, Cairn Top to Barlae and Chapelton to Bush o' Bield, will be constructed over the next three years. The estimated costs of those schemes are £4.5 million. There has been a huge amount of investment in that route. I know that the council would like us to make more investment; that point is raised every time that I meet the council. I would be keen to tell it that we are moving ahead with the route action plan work and making investments in the current programme. Beyond that, we will consider the next set of route action plan improvements that are required in the next round of decisions on the maintenance of our trunk road and motorway network.

Dr Elaine Murray (Dumfries) (Lab): The A75 is an important route for the economies of not only Dumfries and Galloway, but Northern Ireland and northern England. What plans does the minister have to discuss the upgrade requirements with the local council, elected representatives from Northern Ireland and the UK Government?

Sarah Boyack: The main priority that I have

established is working with Dumfries and Galloway Council to ensure that it knows what is happening with the route action plan. When I recently published the route action plan, I ensured that the council and local members who expressed an interest received a copy, so that they could see what progress had been made and where we intended to take the plan further.

Private Sector Housing

8. Mr Kenneth Gibson (Glasgow) (SNP): To ask the Scottish Executive what plans it has to increase expenditure on private sector housing in Scotland. (S1O-1591)

The Deputy Minister for Local Government (Mr Frank McAveety): Responsibility for expenditure on private sector housing lies principally with the owners. The Executive will continue to support investment in private sector housing consistent with our broader housing policy objectives.

Mr Gibson: I thank the minister for his answer. Does he agree that the cut in home improvement grants in Scotland from £101.256 million to £38.483 million over the past four years—a cut of more than 62 per cent—represents a failure of successive Governments to address the crisis in Scotland's private sector housing stock? Does he further agree that unless the Executive acts to remedy the situation urgently, it will represent a comprehensive failure to meet the needs of home owners and private renters, and will be proof positive that the Executive's failure on housing policy is not confined exclusively to the public sector?

The Presiding Officer: I think that there was a question there somewhere.

Mr McAveety: Or a press release.

Until April 1986, responsibility for private sector housing grant lay with a spend allocated from the Scottish Executive. At the request of the Convention of Scottish Local Authorities, that was discontinued, so local priorities have determined how resources are best dealt with.

I reassure members that we treat seriously the issue of private sector housing investment. In fact, one of the reforms that we wish to point out, in relation to the new housing developments, is the allocation of grant to those in need. For the first time, income rates will determine how people receive support for house improvements. That will mean that we can target that support much more effectively than the indiscriminate way in which it is being done at the moment.

New Community Schools

9. Karen Gillon (Clydesdale) (Lab): To ask the

Scottish Executive what progress new community schools in Scotland are making. (S10-1578)

The Deputy Minister for Children and Education (Peter Peacock): Thirty councils have established 37 new community school projects, involving over 150 schools. Each project has its management structures in place and has embarked on its planned work programme.

Karen Gillon: I thank the minister for his answer, but does he agree that the success or failure of new community schools will very much depend on how they engage with other agencies, with pupils and with parents, in the development of every child's education? Furthermore, what monitoring is taking place to ensure that all the schools in the pilot projects are true community schools and are not simply schools with extra resources?

Peter Peacock: Karen Gillon raises important points. I assure her that because those projects are a new initiative, we are monitoring their development. We hope that they will make a significant difference to education and to the integration of services that serve young people and the wider community around the schools. We want genuine culture change in those schools. I chair a group—made up of a range of professionals who are involved in the projects—that monitors the projects' progress.

Cathy Peattie (Falkirk East) (Lab): Will the minister ensure that legislation is in place to ensure that Her Majesty's Inspectorate of Schools inspects those community schools in an holistic manner and not simply on narrow, educational performance indicators?

Peter Peacock: As Cathy Peattie knows, at yesterday's Education, Culture and Sport Committee, when it discussed the Standards in Scotland's Schools etc Bill, the Executive agreed to introduce an amendment at stage 3 to provide for a code of practice in relation to the inspection of schools. One of the reasons why we agreed to do so is that Cathy Peattie and others have argued that we are developing a new form of education and that we require to ensure that it is inspected appropriately. I can give her the reassurance that she seeks.

Lung Cancer

10. Elaine Thomson (Aberdeen North) (Lab): To ask the Scottish Executive what impact the "Health of the Nation" target has had upon death rates from lung cancer among women. (S10-1567)

The Minister for Health and Community Care (Susan Deacon): The "Health of the Nation" was an old policy document that set targets for England and did not apply in Scotland. The

Scottish Executive's targets are set out in the white paper, "Towards a Healthier Scotland", which was endorsed by the Parliament last September. The latest figures show that mortality from lung cancer in Scottish women under 75 fell by 5.2 per cent between 1995 and 1998.

Elaine Thomson: I thank the minister for her reply. Does she agree that the most effective method of preventing lung cancer is to continue to educate the public on the dangers of smoking? Is she aware of the work of Health Promotions in Aberdeen, which has been successful in achieving lower levels of smoking among women, especially in the 25-to-34 age bracket? Does she agree that continuing to put more resources into health promotion is probably the way forward?

Susan Deacon: I am very much aware of the work of Health Promotions in Aberdeen; indeed, I visited one of its premises recently, where its efforts were directed not towards smoking but towards diet. I was pleased to taste some of the samples that were offered by it and by the fishing industry that day.

The work that is carried out by Health Promotions and others shows precisely the activity that has to take place if we are to involve young people, other groups and other communities in taking steps to improve health. Not smoking is one area; diet and exercise are two others. We know that there has to be improvement in Scotland. The Government has made it clear that we are committed to prevention as well as cure. We have backed that with record levels of investment, a record amount of commitment and—I think—record effort and record energy. We will continue to do that.

The truth is that all of us as individuals have to take steps to improve our health. I hope that that joint effort of individuals, the Government and the Parliament will, over time, make a real difference.

Kay Ullrich (West of Scotland) (SNP): The minister will be well aware of Scotland's especially poor record on survival rates for lung cancer. In light of that, will she explain why only around 5 per cent of patients in Scotland receive drug treatment for lung cancer, while in the United States, more than 50 per cent of patients receive drug therapy? The American five-year survival rate is more than double that of Scotland. Are not there lessons that we can learn from practice in the United States?

Susan Deacon: There are always lessons to be learned, but I am not sure that the United States is the first place that I would look to for lessons on health care systems.

Some casual and erroneous international comparisons regarding health have been thrown around. We have been through the spending issue before, and figures on survival rates are compiled

on different bases in different countries. I am not saying that they were not often good fakes, but for that reason, I would caution against the use of such comparisons.

There are often differences in clinical practice. Of course, we can learn lessons, but let us also remember that clinical decisions about the care of individual cancer patients—as in the care of any patients—are about the right and appropriate treatment for the individual. With regard to the development and delivery of the strategic direction of cancer services in Scotland, the work that the Scottish cancer group is spearheading is at the leading edge of examination, not only of drug treatments and therapies, but of the range of other treatments that must be considered in the development of high-quality cancer care.

Drug Courts

11. Ms Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive what plans it has to learn from the experience of drug courts in the United States. (S10-1579)

The Deputy Minister for Justice (Angus MacKay): I looked at a wide range of policies and practices on drug misuse during my recent visit to the United States, and I am sure that some lessons from the American experience would bear further examination. The Scottish Executive will explore how it might try to incorporate the key lessons from America into our own justice system during the coming weeks and months.

Ms Curran: I thank the minister for that reply. Will he assure me that, although we need effective enforcement measures, we must also search for alternatives to incarceration? Perhaps he can tell us of one or two ideas that he might try to take forward that arise from practice in the United States.

Angus MacKay: The principal purpose of my visit to the United States was to examine the treatment, care, rehabilitation and education side of the drug misuse equation, rather than the enforcement side. One of the key messages of my experience was that an approach that uses a combination of enforcement and rehabilitation might bear further examination, with a view to promoting such an approach in Scotland. That will mean ensuring that offenders have the quickest possible access to a full range of drug treatment facilities in the community. I am glad to say that that is already at the heart of the drugs strategy that the Scottish Executive is pursuing in partnership with drug action teams throughout Scotland.

Ms Margo MacDonald (Lothians) (SNP): I wonder whether I should congratulate the minister on being more open in his attitude to new ideas,

wherever they come from.

Is the minister prepared to undertake further research on why there is such drug use and abuse in Scotland, and on why drug abuse is still so misunderstood after all the time and money that has been spent on researching the matter, as indicated in the evidence that was given yesterday in the Social Inclusion, Housing and Voluntary Sector Committee? Does he agree that the best way in which to find out who is using drugs, why they are using them and what drugs they are using might be to form a special commission? I have lodged a motion on that and have been asking for such a commission for a number of months.

Angus MacKay: One of the heartening lessons that I learned from the United States arose from examination of the approach that has been taken there in the past 10 years. That approach demonstrates that research is a key priority for institutions in the United States when they determine practice in treatment and rehabilitation. That is heartening, because the Scottish Executive is pursuing exactly that tack. We have already asked the Scottish Advisory Committee on Drugs Misuse research sub-committee to prepare a draft programme for research. That programme will be published in May. The Executive is funding—to the tune of about £300,000—research on the incidence of drug misuse throughout Scotland. Such an evidence-based approach is crucial to ensuring that the treatment and care facilities that we put in place tackle the drug problems that we have, rather than those that we think we might have.

Student Finance

12. Robert Brown (Glasgow) (LD): To ask the Scottish Executive when detailed guidance will be given to universities and colleges as to proposed arrangements for the new maintenance grant and graduate contribution scheme to be introduced in 2001. (S10-1560)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): We are very aware of the interest of universities, colleges and students in the arrangements for the new scheme and we are publishing a consultation document next month. Detailed guidance will follow the consultation period and the necessary legislative process.

We have set up a website to hold the up-to-date information, which can be found via the Scottish Executive website.

Robert Brown: Is the minister aware that many students, particularly at colleges, will make decisions this year that will be influenced by their knowledge of the financial regime that will operate in 2001? Does he accept that there is a need not

just for the arrangements that he suggests but for detailed guidance and information on the proposals, to be given to students and staff at colleges and universities throughout Scotland? That should be done with immediate effect, as decisions have been made in principle on some of the important issues.

Henry McLeish: I am happy to give reassurance on that. As well as producing the consultation document, which will be a full document that will eventually go to the Enterprise and Lifelong Learning Committee, we are involved in a number of bilateral discussions, and material will be issued very soon. We are conscious that students are taking decisions early—even for next year.

Members should remember that we have responded to Cubie with proposals and have dealt with the Quigley anomaly relating to fourth-year students from down south, that we are publishing a consultation document and that, of course, we have instructed the Student Awards Agency that tuition fees will be abolished from autumn this year. Much work has been done in a short time. We will respond to the need for urgency on the matter.

Mr John Swinney (North Tayside) (SNP): Before giving guidance to universities and colleges on the implementation of the student finance regime, will the minister give further consideration to addressing the anomaly that has been created for Scotland-domiciled students who are studying at colleges and universities in England and Wales? Will he consider extending the financial regime to address the needs of students who attend courses that are available at universities and colleges in England and Wales but are not available in Scotland? The Liberal Democrats were committed to that at the elections to the Scottish Parliament.

Henry McLeish: I am happy to acknowledge the work that John Swinney's committee has done in this area. I assure him that the consultation on which we are about to embark will address those issues. Since the publication of our response to Cubie, there has been much debate on a variety of issues, such as on the payment of maintenance grants to students who are going down south, and those matters will be part of the wider consultation. It is important that we speak to Scotland. The Enterprise and Lifelong Learning Committee will be involved in that consultation.

Sheriff Courts (Guidance)

13. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what guidance it provides to sheriff courts on granting bail to offenders who are awaiting sentence, having admitted multiple offences such as theft by

house-breaking and robbery. (S1O-1588)

The Deputy Minister for Justice (Angus MacKay): None. It would be inappropriate for the Scottish Executive to issue guidance to the judiciary on a matter that relates to the exercise of its discretion.

Lewis Macdonald: I understand that legal point. However, does the minister understand the anger that is felt in communities such as Seaton, Linksfield and Old Aberdeen in my constituency, when people see known serial offenders, such as serial house-breakers, walking away from court, free while awaiting sentence to commit exactly the same type of offences? Does he agree that the courts as well as the police have a role to play in tackling the growing incidence of drug-related theft, robbery and assault in city-centre communities in Aberdeen?

Angus MacKay: I certainly appreciate the sense of frustration that Lewis Macdonald describes. However, it is for the courts to determine whether to grant bail in the circumstances of a particular case. In doing so, they have to have regard to the well-established principles and precedents governing the exercise of that discretion that are set out in common law.

It may be of some comfort to know that the Executive plans to review the current law, the effectiveness of the new powers to impose aggravated sentences on bail offenders and the extent to which those powers are being exercised by the courts.

Bill Aitken (Glasgow) (Con): Does the minister agree that the import of European convention on human rights legislation—it is likely that there will be limitations on the refusal of bail—is likely to add greatly to his colleague's concerns?

Angus MacKay: We have been considering whether bail exclusions are compatible with the ECHR. We have said that we intend to introduce legislation in the near future to deal with certain ECHR issues. That question may be addressed in that legislation.

Richard Lochhead (North-East Scotland) (SNP): To follow on from Lewis Macdonald's points, with which I am happy to associate myself, is the minister aware that worrying statistics, released yesterday, show that Aberdeen has the highest level of recorded crime in the country and double the national average for house-breakings?

Does the minister accept that we cannot divorce those statistics from the fact that Grampian's police force has the second lowest funding in the country, and that recent funding announcements for the police have been wholly inadequate? Furthermore, Grampian police have special responsibilities for policing Balmoral and North sea

installations.

Will the minister respond positively to those worrying statistics by announcing adequate resources, so that we can put more bobbies on the beat in Aberdeen and prevent the crimes to which Lewis Macdonald referred?

Angus MacKay: I would not want to pre-empt the conclusion of the budget discussions that are taking place within the Executive; the member will have to wait for announcements following the conclusion of those discussions.

On Aberdeen, as for other parts of the country, we should all pay special attention to the impact that effectiveness in tackling Scotland's drug misuse problem could have on criminal activity and crime statistics. There is no doubt that drug misuse accounts for a tremendous proportion of attendant criminal behaviour and crimes committed. *[Interruption.]* If we are successful in reducing the number of individuals in Scotland who have drug misuse habits, we will certainly be successful in reducing attendant levels of crime.

The Presiding Officer: I remind members that all pagers and telephones should be switched off in the chamber.

Genetically Modified Organisms

14. Brian Adam (North-East Scotland) (SNP): To ask the Scottish Executive when the genetically modified trial crop at Daviot will be planted. (S10-1551)

The Minister for Rural Affairs (Ross Finnie): Scottish ministers gave approval on 31 March for that trial of GM crops to proceed. I understand that two hectares of GM oil-seed rape were planted at Daviot last weekend.

Brian Adam: Is the minister aware of the considerable concerns of beekeepers in the area, as set out in particular by Les Webster of the Scottish Beekeepers Association in *The Herald* this week? Is he aware of the specific concerns about the possibility of the honey-dew and nectar, as well as the pollen, ending up in the honey? Will he respond to the beekeepers' concerns?

Ross Finnie: I am well aware of the concerns that have been expressed by beekeepers. I assure members that no safety issues are involved—the safety of pollen moving on air currents, or being collected by bees, is always considered as part of the detailed environmental risk assessment that is undertaken by the Advisory Committee on Releases to the Environment. Indeed, a member of ACRE is an expert on bees and pollination. The ACRE risk assessment can include the implications of exposure to pollen through inhalation or pollen contamination of other food crops or honey. ACRE also examines the direct

harm that might be caused to bees. I assure members that, in relation to the advice on the approvals for this particular crop, we received no adverse report from ACRE.

Robin Harper (Lothians) (Green): How frequently will the possible gene flow from the crops be monitored? Are we monitoring, this time, for gene flow from that planted crop into the surrounding environment?

Ross Finnie: I am not able to give Mr Harper the precise number of times; I will investigate the matter and respond to him in more detail. All I know is that, as part of the approval process, ACRE is required to monitor the parameters that it has set for the conduct of those trials. I will advise Mr Harper, and put that advice in the public domain.

Housing

15. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive when it intends to publish the Ernst & Young report "Better Homes—Stronger Communities—a report on the Key Financial Issues" commissioned as part of the Glasgow stock transfer process. (S10-1590)

The Minister for Communities (Ms Wendy Alexander): Ernst & Young was engaged not by the Scottish Executive but by the Glasgow housing steering group. Copies of the Ernst & Young report were made available on 10 April, but I understand that Ernst & Young has arranged for both the summary and full copies of the document to be available in the Scottish Parliament information centre.

Fiona Hyslop: I am grateful that, with SNP prompting, the minister has made that report available; it has been paid for by the public purse.

Will the minister confirm that the first million-pound report has been consigned to the dustbin? How much did the Ernst & Young report cost? On the subject of value for money, will she confirm that the report states that her grand plan will cost an extra £200 million in VAT payments, and that what we are seeing is a bonanza for consultants and for the Westminster Treasury?

Ms Alexander: I am disappointed by Fiona Hyslop's question. Ernst & Young was appointed by competitive tender. To date, Ernst & Young has been paid £130,000. I invite Fiona Hyslop to compare that with the £1,600 million that has been made available for investment in the city of Glasgow by the proposals that are on the table, including an average of £16,000 per unit to improve housing conditions. As members know, I believe that this matter is too important for political point scoring. I hope that we can find a degree of consensus about how to move forward.

First Minister's Question Time

SCOTTISH EXECUTIVE

Cabinet (Meetings)

1. Mr Alex Salmond (Banff and Buchan) (SNP): I know that I speak for the Parliament when I say how pleased I am to see the First Minister back in his place again. [*Applause.*] We wish him all the best for the operation to come.

To ask the First Minister what happened at the most recent meeting of the Scottish Executive's Cabinet. (S1F-273)

The First Minister (Donald Dewar): I am quite glad to be back, too. I am delighted to be able to agree with something that the honourable gentleman has said. I meant to say Alex Salmond—I am reverting to a past life. He will not be surprised to hear that we discussed many interesting things at the Cabinet meeting, but that I cannot tell him any more than that.

Mr Salmond: This afternoon, we will have an interesting debate on an initiative that, as the First Minister knows, has been carried forward on a cross-party basis and has occupied the attention of several Parliament committees over several months. Does he recall that the founding principles that were built into the standing orders of the Parliament were specifically designed to allow back benchers, minority parties and the committees of the Parliament to influence legislation? That can happen only if the Executive is prepared to allow it to happen. Given that the majority of the members of the Parliament are for the abolition of domestic poindings and warrant sales, would it not be appropriate—even at this late stage—for the Executive to withdraw its wrecking amendment? That would allow the bill to proceed to the next stage, at which the Executive could bring forward any amendments it chose.

The First Minister: I accept that this is a Parliament with a much more open approach to legislative opportunity; that is already becoming apparent. I cannot say that on occasion that does not give members of the Executive sleepless nights. There are many joys, as well as irritations, in this dream. However, that approach is in place, we support it and we have always been protective of it.

There is undoubtedly a strong feeling in every part of the Parliament that fundamental reform of our laws on diligence is required. The present arrangements for poinding and warrant sale are thoroughly unsatisfactory. There is also a widespread feeling—one that I suspect Mr Salmond shares, as do many of the committees

that have investigated the matter—that it is not possible to implement that reform through a simplistic, one-section bill. If we are going to find a balance, it is necessary to put in place other measures and amendments to the present system.

Everyone in the chamber would want to protect those who cannot pay, but members would not want to offer encouragement to those who can pay, but will not. Every member will recognise that other interests have to be considered. If we get the balance wrong in collecting council tax, for example, we must consider the serious impact that that might have on public services. That is something that local government would want us to bear in mind.

I do not pretend that Tommy Sheridan's bill is satisfactory—it is far too simplistic in its approach. A great deal more work would have to be done on it. However, I accept that it captures the mood in the chamber for fundamental reform.

Prime Minister (Meetings)

2. Miss Annabel Goldie (West of Scotland) (Con): I shall stop short of asking the First Minister whether he comes here often, but I will say that I am very pleased to see him here this afternoon. I am well aware that there is nothing more invigorating to the First Minister than having the opportunity to be rude to me. I will gladly bear that cross in the interests of restoring him to rude good health as soon as possible. The Conservatives wish Mr Dewar well in what lies ahead of him and hope to see him return as soon as possible.

To ask the First Minister when he last met the Prime Minister and what issues they discussed. (S1F-269)

The First Minister (Donald Dewar): I thank Annabel Goldie very much. I am very glad to have her good wishes; however, I do not want to make a habit of receiving good wishes on this basis. In any case, general rudeness should not be taken as rough wooing.

I last met the Prime Minister in Cardiff on 7 April at the joint ministerial committee on health. I speak regularly to him on the telephone, of course, but the specific matters that we discuss are private.

Miss Goldie: I had rather harboured a private and personal hope that the First Minister might have commended unpaid indefinite paternity leave to the Prime Minister. However, in the absence of such a conversation, did they discuss crime in light of developments north and south of the border? I particularly raise this point because, somewhat disappointingly, crime in Scotland has increased and the number of policemen has gone down since the Conservatives were in power.

As much of the crime in our communities in Scotland arises out of drug abuse and drug addiction, can the First Minister tell the chamber how the newly appointed drugs enforcement officer is getting on? Has he been given any targets to achieve or a measurement output framework within which to operate? It is vital that we know whether we can assess the impact of what the Drugs Enforcement Agency is doing. *[Applause.]*

The First Minister: A bad case of one hand clapping, I think.

Of course I sympathise with Annabel Goldie's comments about crime; an increase in recorded crime figures is always a matter of concern. This year's increase over last year's figures was 1 per cent, which is fortunately a lower rate of increase than last year. About 14,700 policemen are currently in service, which is historically a high number.

As Miss Goldie knows, grant-aided expenditure for the police force for the current year is £742 million, which is an increase of 3.8 per cent on last year and therefore above the rate of inflation. Chief police officers always look for more money; although I do not blame them for doing so—it is part of their job and part of human nature—they have not been badly treated. Given the claims from and difficulties of other parts of the public sector, a balance must be struck.

I agree entirely with Miss Goldie's comments about the DEA. We must obviously be able to assess the output and the return on the not inconsiderable manpower, personnel and resources that we are putting into the system. I expect that, when the DEA's annual reports become available, they will give us a picture of the body's effectiveness. However, the situation is always difficult because such effectiveness often reveals more of the hidden drug community. That causes people to complain that the incidence of drug abuse is rising in this country, when it is simply a measure of the success of law enforcement agencies.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Does the First Minister share my concern about the slow take-up of the drug treatment and testing orders, which so far number only six? Furthermore, will he tell the chamber what measures the Executive is taking to increase that take-up? Although cutting the supply of drugs through enforcement is very important, the whole question of cutting demand requires extra spending on treatment and encouraging the take-up of drug treatment and testing orders.

The First Minister: Those dispositions are available to the courts and it is important that courts consider such orders in suitable cases.

However, apart from encouraging courts to do that, the most important thing that any Executive can do is to ensure that there are places to take up and that resources and expertise are available. It is particularly unattractive to consider such a recommendation and then find that no places are available and the necessary support for the individual is not there. That priority is very much at the centre of our thoughts.

Inward Investment

3. Scott Barrie (Dunfermline West) (Lab): To ask the First Minister what progress has been made in attracting investment from outside the UK to areas of Scotland such as Fife. (S1F-278)

The First Minister (Donald Dewar): It would be fair to say that that is a well-timed question. I know that Scott Barrie will have been as delighted as I was by the announcement the other day that Motorola is making its largest investment in Europe—an investment of some £1.3 billion—in the former Hyundai site outside Dunfermline to create a state-of-the-art semi-conductor facility, which will employ up to 1,350 people. The investment anchors in Scotland an enormously important leader in the electronics field and gives immense encouragement. It is a credit to all the people who worked so hard to broker what was a complex and difficult deal given the circumstances of the Hyundai company, which was extremely positive in helping us to reach the successful conclusion that we arrived at.

Scott Barrie: I thank the First Minister for that answer. Of course, I welcome last week's announcement of Motorola's massive investment in Duloch Park in Dunfermline. Does the First Minister agree that that is a good example of how Scottish Enterprise, local authorities, further education colleges, the Scottish Executive and the UK Government can work together to achieve positive outcomes for our economy?

The First Minister: I have no difficulty in agreeing with Scott Barrie, but this is a matter in which everyone can take some satisfaction. I know from personal experience how hard my department and Locate in Scotland worked and the extent of the positive willingness on the part of the two major electronics companies to reach an agreement and this happy solution.

That is not the only good story in Fife. I was pleased by the efforts—in which the Scottish Executive was fully involved—to ensure that Longannet survived the difficult cash flow problem that has afflicted it in recent months. I hope that the announcement on help for the coal industry will ensure that the substantial low-sulphur deposits at Longannet will continue to support jobs and the power station for a considerable time. I admire greatly—and this is nothing to do with the

Government—the efforts made by Babcock Power and Rosyth 2000 to build and develop that site. The 1,000th job on site has recently been created, which is good news for Fife.

Assisted Areas Map

4. Euan Robson (Roxburgh and Berwickshire) (LD): On behalf of the Liberal Democrat group, I extend our good wishes to the First Minister for his forthcoming spell in hospital.

To ask the First Minister whether he will discuss changes to the revised assisted areas status map of 10 April 2000 with the Secretary of State for Scotland. (S1F-268)

The First Minister (Donald Dewar): The assisted areas map is a reserved matter, but it is one in which we have an interest and it is a fair point to put to me. I make no complaint about the matter being raised. The Secretary of State for Scotland and I regularly discuss issues affecting development. The negotiations on the assisted areas map with the Commission have been a long, difficult and drawn-out process. We will continue to watch developments very closely indeed. I understand Euan Robson's particular anxieties. I am sure that his supplementary question will give me the opportunity to comment on them.

Euan Robson: The First Minister will know that the changes have removed from the map all Berwickshire and key industrial sites in St Boswells and Kelso in my constituency. Jedburgh was never even included to begin with. Does the First Minister appreciate that, if those communities are not restored to the map, several companies within them will have to compete with rivals in other parts of Scotland that have assisted area status, some of which have been brought into Scotland from overseas by Locate in Scotland?

The First Minister: I am not unsympathetic, but I do not want to sound optimistic. We are very late in agreeing the assisted areas map. That was not a matter of fault on our side. The discussion with the Commission about the basis on which the lines should be drawn has been very complicated and difficult. We fought very hard for a solution that would suit us in Scotland and the United Kingdom as a whole. We have had to adjust the map, although only marginally. The outcome is good.

I want to make two brief comments. First, population coverage in the Scottish Borders has increased. I know that that is no great consolation to Euan Robson, but the figure has gone up from 36 per cent to 44 per cent as a result of the changes. There are worries about St Boswells and Kelso, but there is more coverage in Galashiels, Hawick and Peebles. I am sure that, as a Borders patriot, Euan Robson will be prepared to take the slightly broader view. Secondly, I remind the

chamber, that although population coverage in Scotland came down by 1 per cent from 49 per cent to 48 per cent, that is not too bad given that England's coverage is 24 per cent and that coverage in Great Britain as a whole is 29 per cent. The outcome was not bad. It was hard fought. I hope that Euan Robson accepts that.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Is the First Minister aware that, in the Highlands of Scotland, the average wealth per head is some £6,000 less than in the Republic of Ireland? Can he therefore explain why every part of Ireland has and will continue to have over the next five years the benefits of assisted area status, whereas Inverness, Nairn, Moray and Badenoch and Strathspey will all be cut from the map? Has independence in Europe been bad for Ireland?

The First Minister: Ireland, as Fergus Ewing knows, did extremely well for many years because it was coming from an extremely low base in terms of gross domestic product per head. It therefore benefited as a very poor region of Europe. I am delighted to say that life is much harder for Ireland now—delighted because that reflects the progress that the Irish economy has made. As Fergus knows, Ireland was a major loser with regard to the whole structural funds argument and also with regard to the assisted areas argument. As is always the case in Europe, traditional arrangements protect for a very long time. However, I do not think that we should misunderstand the situation.

In the Highlands and Islands, the overall population coverage is 73 per cent, which is extremely high—certainly the highest coverage in Scotland and well above the Scottish average, as it ought to be. The two other high figures are 64 per cent population coverage in Fife and 69 per cent in Glasgow.

I know Inverness well, although obviously not as well as the member who represents it does. It is a town with a great deal of imagination, initiative and bounce of life. I suspect that it will continue to do very well indeed; we will encourage and help it in every way that we can.

Post Offices

5. David Mundell (South of Scotland) (Con): To ask the First Minister, further to the statements by the Deputy Minister for Rural Affairs on 27 January and 8 March that the Scottish Executive would be conveying concerns about the future of the post office network in Scotland to Her Majesty's Government, what the outcome of these discussions has been to date. (S1F-275)

The First Minister (Donald Dewar): The debates on 27 January and 8 March reflected

concerns that were widely shared in this chamber. The United Kingdom Government has been made well aware of those concerns. We will continue to ensure that the interests of Scottish communities are kept to the fore.

David Mundell: Is the First Minister aware that both those debates identified the fact that, to allow the network of post offices in Scotland to continue, it would be beneficial for additional services to be made available to Scottish post offices? Is he aware that one of the best options is for the Scottish Executive to enable such services to be offered? Can he name a single thing that the Scottish Executive has done since those debates that will facilitate the provision of services within post offices across Scotland?

The First Minister: I think that there is great potential. We have an extremely buoyant Scottish economy, for which we can claim at least some marginal credit—much credit also goes to Westminster. If the economy is buoyant and if we have the lowest unemployment rate for 24 years, shopkeepers inevitably benefit as certainly as people in other employment.

I do not despair about rural post offices. There is a great deal of anxiety about the coming of automated credit transfer and the modernisation of the system, and we have spent about £500 million on the automation of the post office network. One reason for doing that is that it opens up opportunities for further services to be provided directly in sub-post offices. We cannot be specific about this now, but if one considers how banking services and financial services are developing, one sees that that level of sophisticated automation opens up opportunities and possibilities, which we are prepared to consider closely and to promote in any way that we can.

I should add a reminder that, as Mr Mundell will know, there is no question that people will be forced to use the method of direct payment into their bank account. If they wish to continue to go down to the post office and take cash over the counter, they are entirely entitled to do so. The administration of the system is, of course, very expensive—a point that I am sure will appeal to Annabel Goldie and that would appeal to David McLetchie if he was with us. If I remember correctly, the transactions at present cost about 45p a time, whereas, using ACT, the sum falls to about 1p. The great thing is that there will be opportunities in the future. We certainly do not predict, do not want to see and will not in any way encourage the death of the rural post office.

Parliament (Media Coverage)

6. Christine Grahame (South of Scotland) (SNP): To ask the First Minister whether the Scottish Executive has made any representations

to the BBC, ITV and the Scottish Media Group regarding the coverage of the Scottish Parliament. (S1F-274)

The First Minister (Donald Dewar): I do not know whether the insinuation is that Christine Grahame is unsatisfied with her starring role. Naturally, the Executive wishes to see informative coverage of the business of the Parliament, but we have made no representation to the broadcasters. I take the view that broadcasters are in charge of their own business and must be left to make their own decisions.

Christine Grahame: I assure the First Minister that I am quite happy with my bit part for the time being.

My concern is poor coverage. I hasten to add that that is not the fault of political journalists—I know what side my bread is buttered on. I am concerned about restricted formats and schedules. The habits of Westminster die hard. A serious point, perhaps related, is the decrease in voter turnout.

Given that the committees are the engine room of this Parliament and that the Parliament is committed to openness and accountability, I ask the First Minister to make appropriate representations to ensure that coverage reflects our committee work. I understand that technology and airtime is available on Scottish Television and Grampian Television. Can he advise us whether the Executive is pursuing the setting up of a public parliamentary channel so that the committees, which are developing robust and cheerful personalities, can be shown in the raw?

The First Minister: I must put a bounce in my life by going along to inspect these bright and cheerful personalities at work. I was interested in Christine Grahame's ladylike declaration of ambition and intent. I hope that she does not remain a spear carrier for ever.

The point is serious but, although I understand that I am being asked only to make representations, I am not sure that that is entirely for me. One of the problems is that only committee room 1 is equipped for broadcasting. I can understand that there is a reluctance to spend a great deal of money on equipping other rooms, particularly if—as we hope—we will be in our present accommodation only for a limited time. A balance must be struck. Another issue is the running and interesting argument between my friends in the media and the authorities in the Parliament about whether the media should be charged for the equipment and the feed time that they use.

We keep a running tag on the situation and want it to improve. I hope that, when we get decent quarters, the facilities will be more expansive and

will encourage the development of the broader stage on which Christine Grahame wishes to appear.

Michael Russell (South of Scotland) (SNP): Has the First Minister reflected on the cut in the coverage of this Parliament that is likely to occur due to the decision to cover the proceedings with only two cameras rather than five when the Parliament moves to its temporary home in Glasgow? That decision will lead to a disruption of the archive record and an inability on the part of the BBC and others to cover the Parliament in full and it will disadvantage the public, as public access will be much more limited. Has he a view on this matter and could he help to move the argument forward?

The First Minister: On this matter, I share Tom McCabe's view, as he answers for the Executive in this area. It would be nice to have five cameras rather than two. However, we should bear in mind the fact that the period in question is only three weeks. The cost, which is something like £15,000 or £17,000 for two cameras, will rise substantially if there are five cameras. Whether that cost would be justified is a matter of judgment. The balance of opinion on the committee was that the extra cost would not be justified; I would not dissent from that. I understand, however, that, in the best of all possible worlds, the cost of the Parliament would not be an issue. If the cost of the Parliament was not an issue—and, funnily enough, people have tended to think recently that it is an issue—I would be behind Mike Russell on this issue. At the moment, however, no.

Abolition of Poindings and Warrant Sales Bill: Stage 1

15:34

Tommy Sheridan (Glasgow) (SSP): Presiding Officer, I feel that you have let the Parliament down by selecting the Executive's amendment for today's debate. I can ask only that other members' bills are better protected by you from the Executive's wrecking amendments.

The Presiding Officer (Sir David Steel): I hesitate to interrupt you, Mr Sheridan, but you cannot make criticisms of the chair. We had an exchange on a point of order on this matter. All that we can say is that the amendment is in order. What to do with the amendment is a matter for political argument in the chamber.

Tommy Sheridan: You will find that the spirit of my words is accepted by the majority of members.

I would like John McAllion to sum up in this debate and apologise that I shall not take any interventions during my speech.

This bill is part of a long journey. For 300 years, those with power have had access to legal terror. Poindings and warrant sales have been establishment tools of intimidation and fear—tools wielded by the unaccountable and often ruthless sheriff officers to punish the poor for the crime of being poor. Poindings and warrant sales have never been about recovering or resolving debt; they have always been used to humiliate, degrade and frighten the poor. In 1893, the Labour party in Scotland committed itself to abolishing poindings and warrant sales. More than 100 years later, perhaps it is fitting that Scotland's first Parliament for 300 years has the chance today to seize the opportunity and vote for abolition.

As members consider the simple motion that is before them today, I invite them to think of its sponsors and supporters—those who have campaigned hard for abolition. I thank Mike Dailly of the Govan Law Centre, who drafted this bill, convinced of its necessity by his everyday reality of dealing with the multiple debt problems that confront so many people in the Govan area. I thank John McAllion and Alex Neil, co-sponsors of the bill who have worked together with me in a cross-party team that has been determined to deliver at least a little more protection for Scotland's poorest families. Regardless of party identities, we have been united in a common cause against the modern-day barbarism of poindings and warrant sales. Three separate cross-party committees have asked this Parliament to support the general principles of this

bill.

The Scottish Trades Union Congress, representing 800,000 trade unionists in Scotland, issued a press statement on Tuesday in which Bill Speirs, the general secretary, said:

"The entire Labour and Trade Union movement in Scotland, including the STUC, has been firmly opposed to the barbarism of warrant sales for many years. I well remember in 1989, as part of the campaign against the poll tax, marching with the leadership of the Scottish Labour Party behind a banner which read 'Scrap Warrant Sales'. So I cannot believe that the Executive, unless it is under pressure from its Liberal Democrat members, is backsliding on this."

Bill ends his appeal to the Scottish Parliament by saying:

"The poor cannot wait for the Parliament to ponder."

We have Citizens Advice Scotland and Money Advice Scotland on our side, representing those in the front line of debt advice and help throughout Scotland. Also on our side we have the Poverty Alliance, the Communities Against Poverty Network, the Lothian Anti-Poverty Alliance, Child Poverty Action Group Scotland, Glasgow Braendarn Link, the Scottish Sheriff Court Users Group and scores of other grass-roots organisations that work daily with Scotland's poor, Scotland's socially excluded and Scotland's dispossessed.

I ask the Parliament to listen to the poor who had the courage to give evidence to the parliamentary committees. Their evidence is now part of the Justice and Home Affairs Committee's report and stands as a moving testimony to the reality of poindings and warrant sales as they affect the poor—as opposed to the marble-mouthed pontifications of those in privileged positions of economic security who would not know a poinding or warrant sale if it punched them on the nose.

During the past financial year, 23,000 poindings took place and thousands more are taking place in this financial year. I ask members to think of the likes of Mary Ritchie from Govan, who is living on benefits and got herself into arrears of £225 in council tax. She offered the sheriff officers £5 a week in repayment, but they refused it. They demanded a £75 lump-sum payment. Fortunately, Mary got in touch with the Govan Law Centre, which was able to intervene and deliver a repayment schedule of £3 a week from Mary's benefits. What about the countless others who do not know who to get in contact with and who do not know where to seek help? They are the ones who are exposed to the ruthlessness of the sheriff officers.

Sheriff officers use the poinding to demand lump-sum payments, forcing those in debt to get themselves into even more debt and then to allow

themselves to be exposed at the hands of legal or illegal loan sharks.

Colleagues, this is the first member's bill and it is the first test of the sovereignty of the parliamentary committees, which have listened to all sides. They have listened to the privileged elites and to the legal establishment: the Law Society of Scotland, the Scottish Law Commission, the Society of Messengers-at-Arms and Sheriff Officers, which represents Scotland's sheriff officers. I have often referred to them as Rottweilers in suits, but I must qualify that statement: many Rottweilers are often better behaved.

How pathetic, then, that the Minister for Justice relies upon a report by the privileged and exclusive Law Commission rather than the studied reports of the parliamentary committees. On page 3 of the Law Commission report, at paragraph 1.11, the commission acknowledges the contribution of

"Mr Roderick Macpherson, an experienced messenger-at-arms, who provided us with invaluable comments on the practical implications of our proposals".

The same Roderick Macpherson is referred to in a letter from the Society of Messengers-at-Arms and Sheriff Officers of 11 January to all its members. That letter said that a firm of solicitors, McGrigor Donald, was working hard on the society's behalf to combat the bill and that a team had been formed, including Roderick Macpherson, to work to defeat my bill. It is in black and white. The Law Commission's report is not an independent set of suggestions to improve the debt recovery system; it is a tainted report designed to defend the privileged elite of sheriff officers.

That unaccountable bunch of bullies presented evidence to the Justice and Home Affairs Committee to the effect that the removal of poindings and warrant sales would not lead to sheriff officers being financially disadvantaged, saying:

"Generally, we do not derive our income wholly from poinding and warrant sale."—[*Official Report, Justice and Home Affairs Committee*, 11 January 2000; c 570.]

In the minutes of its annual general meeting last year, however, the Society of Messengers-at-Arms and Sheriff Officers admits that its members' very livelihoods are at stake—it must combat the bill because 23,000 poindings last year brought in £1.6 million for sheriff officers.

I remember sitting through all the committee deliberations. It was a privileged experience to see this new democracy at work, with the parliamentary committee system at its very soul. I remember Karen Whitefield's honest comment. During an evidence-taking session, she said that she was opposed to the bill at the beginning of the

process, but after having listened to the evidence she was convinced that it must be passed as soon as possible. That is an example of how the parliamentary committees can work.

In the Local Government Committee, Johann Lamont put it eloquently when she said that the choice facing the committee was to delay implementation and wait—and wait—for some alternative to be put in place, or to support the bill, giving it an implementation date some months down the line and forcing an alternative to be brought in. Rather than a spur to payment, what about a spur to change? I am proud that Johann used those words.

On 28 January, the Convention of Scottish Local Authorities passed a motion in support of the bill inspired by West Dunbartonshire Council, which has already banned poindings and warrant sales. Instead, it has benefit maximisation teams and cold-calling teams to discuss maximising income with people in debt. The local authority's debt has been reduced by 35 per cent, and £1.4 million has been brought in by 2,500 cases. West Dunbartonshire Council has banned poindings and warrant sales—it is taking that action now. What is to stop the rest of Scotland's local authorities following suit and banning warrant sales as well?

I have little time, so I will appeal to Labour members in particular. In my opinion, the Tories will never represent the poor, so I do not appeal to them to back my bill. The Liberals talk a good game. They talk about how good the committee system is, but when faced with a bill that has the support of not just one, but three, committees, they are not even prepared to back the motion. I will appeal to Labour members, who may come from a tradition. Did they enter politics as Labour party members to vote against a bill to abolish poindings and warrant sales?

I ask Labour members to examine their consciences and not to be bullied on this matter. I urge them to support the recommendation of three independent cross-party parliamentary committees, to support what the STUC and their own communities are saying, to take the opportunity today to support Scotland's poor and reject the Executive's wrecking amendment, and to vote for the bill today. *[Applause.]*

I move,

That the Parliament agrees to the general principles of the Abolition of Poindings and Warrant Sales Bill.

The Deputy Presiding Officer (Mr George Reid): Members who wish to speak in the debate should press their request-to-speak buttons now. I call Jim Wallace to speak to and move amendment S1M-772.1.

15:46

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I congratulate Mr Sheridan on introducing his member's bill, particularly as it is the first such bill in our Parliament's short history to reach stage 1 debate, and on moving his motion with customary vigour and rhetoric. It is well recognised that the bill deals with a fundamentally important topic and one that we all know is close to his heart and to the hearts of many members in the chamber.

There is much common ground on this issue, not only as between the Executive and Mr Sheridan—although that was not always clear from his remarks—but across the Parliament. Like him, we abhor archaic and inhumane aspects of the system of poindings and warrant sales. Like him, we want to end the indignity that is faced by those most vulnerable people who are genuinely unable to pay their debts. Like him, we want to consign poindings and warrant sales to the history books. Mr Sheridan's track record is long and widely known, but I do not believe that he can claim a monopoly on the issue. Indeed, a commitment to protect and safeguard the interests of vulnerable citizens in our community is shared widely across this Parliament and not least in the parties of the Executive.

There is significant common ground and I hope that Mr Sheridan will have common ground with me when I say that what the people of Scotland want is justice and fair play when it comes to debt recovery. That must mean protecting those suffering from genuine hardship, such as Mary Ritchie from Govan and the others to whom he referred in his speech. On the other hand, it must also mean that those who can pay their debts do so. The majority of people in Scotland who can pay their debts do so—and usually do so quickly—but there are some who consistently refuse to do so, albeit that they can, until they are forced.

Mr Alex Salmond (Banff and Buchan) (SNP): Before the Deputy First Minister leaves the issue of common ground, which I agree exists in the chamber, will he indicate that the Executive is prepared to withdraw the amendment and let the bill proceed?

Mr Wallace: I will make my own speech in my own time and Jackie Baillie will wind up for the Executive.

The sense of fair play to which I referred would be offended if avoidance by people who can pay but refuse to do so was made easier, placing greater burdens on those who do pay their bills. Unfortunately, Mr Sheridan's bill makes that easier.

Another factor that we must take into account is that the debts incurred by businesses during

commercial transactions must continue to be honoured if our economy and commerce is not to be distorted. Again, Mr Sheridan's bill would create a loophole, although that might not have been an intended result.

The Justice and Home Affairs Committee itself identified the problem. In its report it says:

"The Committee remains conscious of the danger, however, that immediate abolition of poindings and warrant sales could cause disruption and unintended negative consequences."

Of course, the committee went on to say that, those concerns notwithstanding, the bill should be passed. Unfortunately, that is not something to which I can readily agree, and there are a number of reasons why.

First, what do we do with a bill that is manifestly incomplete and was recognised as such by the lead committee? We must work up an alternative that works and achieves the goals that we are all aiming for. Although it is a matter for the Presiding Officer, amending the bill to incorporate the alternative set out in the Executive's amendment would not be possible.

Secondly, passing the bill without putting in place an alternative—

Mr Lloyd Quinan (West of Scotland) (SNP): Will Mr Wallace give way?

Mr Wallace: No. I have a very short time for my speech. I shall keep going as I have a lot to say.

Secondly, passing the bill without putting in place an alternative to poindings and warrant sales would send a dangerous message that the payment of debt has in some way become voluntary.

Thirdly, what is the chance of credit being given if the chances of getting money back are slim? In those circumstances, it is inevitably people on low incomes who will be thrust into the hands of the loan sharks. The most vulnerable will suffer. Everybody wants to protect the vulnerable, but Mr Sheridan's bill as it stands would create more difficulties than it seeks to resolve. The better solution is to ensure that people who genuinely cannot pay are not subjected to enforcement action, but to ensure that it is still available to be used against those who can pay but try to avoid their liabilities.

Mr Sheridan argued today, and has done so previously, that the abolition—

Mrs Margaret Ewing (Moray) (SNP): Will the minister give way?

Mr Wallace: No. I have a short period of time and Mr Sheridan did not take any interventions. The lady might get a chance to make a speech herself.

Mr Sheridan said that the abolition of poindings and warrant sales without an alternative would not leave a gap in the debt recovery system, but that is not the case. It is not true that everyone would be susceptible to other forms of diligence. There are people who have no bank accounts to arrest or whose bank accounts are never in credit. There are people who do not own land, building or houses. There are the self-employed, whose wages cannot be arrested. Even if one of the existing alternatives is available, surely Mr Sheridan is not suggesting that it is better to make someone bankrupt or to threaten their home to recover a relatively small debt.

I also fear that the financial consequences could be devastating. Indeed, the total effect on local authorities of simple abolition is estimated in the region of £120 million per year. Tommy Sheridan quite properly pointed to the experience in West Dunbartonshire. He will recall that Jack McConnell recently said that before any statutory warrants are issued it should be commended to all local authorities in Scotland that there ought to be some examination of those against whom a debt is being pursued. That ought to be taken up by local authorities throughout the country.

I have explained why we are unable to agree to the bill, but the status quo is not an option either. Much has been made of committees' reports. As much as anyone else, I respect the committees of this Parliament. Roseanna Cunningham's Justice and Home Affairs Committee said in paragraph 48 of its stage 1 report on the bill:

"The first step is for the Executive to acknowledge that poindings and warrant sales must go, and that efforts should be concentrated on finding a workable but humane alternative. The Stage 1 debate provides an ideal opportunity for the Minister for Justice to take that step."

In the spirit of that committee finding I acknowledge that poindings and warrant sales must go and that efforts should be concentrated on finding a workable but humane alternative, so I will say what we intend to do.

Our amendment states that before the summer we will put in place secondary legislation to add to the list of goods that are exempt from domestic poinding and warrant sale. More important, it states that before the end of parliamentary year 2001-02 we will introduce legislation to abolish the present system of poinding and warrant sale and replace it with a modern and humane alternative. That is a firm commitment that the Parliament will rightly hold us to.

The key elements of the reform will be protection of the vulnerable debtor—those who genuinely cannot pay—and vigorous pursuit of those who can pay but are reluctant to do so. In so doing, we will support the interests of those who pay their bills regularly. We also intend to establish a

working group to give effect to those principles. It would be a working group primarily of this Parliament, with a wide membership. I hope that Mr Sheridan would agree to be a member of that group. [MEMBERS: "Oh."] If one wishes to go forward in a cross-parliamentary way, that is not an unreasonable proposition. [*Interruption.*]

The Deputy Presiding Officer: Order.

Mr Wallace: I will also ask members of the Justice and Home Affairs Committee, the Social Inclusion, Housing and Voluntary Sector Committee, and the Local Government Committee to be included. The committees have indicated that an alternative is necessary and we are inviting them to join the Executive in identifying the elements of that alternative.

It will be important to have an independent external perspective, including someone with practical legal experience. I have also canvassed Kaliani Lyle of Citizens Advice Scotland to see whether she would be willing to be a member. I am pleased to say that she will be. A timetable for the group's work is important. We would want it to report by December 2001 at the latest.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the minister give way?

Mr Wallace: No. I am just about to conclude.

This matter is a challenge to the Parliament. We were elected with high hopes about the quality of the legislation that we would pass. We were expected to pass considered and comprehensive legislation. Unfortunately, as I have explained, this bill does not meet that test, despite its laudable intentions. There is an injustice to attack and Mr Sheridan deserves credit for putting the issue so firmly on the agenda. However, this bill does not offer the best way of moving forward. What the Executive has proposed is a far better way.

We want to ensure that in the lifetime of this Parliament we pass radical but responsible legislation that abolishes the system of poinding and warrant sale and puts in its place a modern alternative of which we can all be proud. We will then provide an important protection for the poor and vulnerable in our society, while ensuring that those who can pay their debts, properly incurred, do so. In the spirit of this Parliament working together to achieve those objectives, I move amendment S1M-772.1, to leave out from "agrees" to end and insert:

"notes that the Scottish Executive will:

(a) during the 2001/02 Parliamentary year bring forward legislation to introduce a new system to:

(i) abolish the present system of poindings and warrant sales which in many of its aspects is archaic and inhumane and replace it with a modern system that protects those who can't pay, ending the indignities they

suffer, and supports the interests of those who pay their bills regularly;

(ii) ensure that those who can pay but won't are rigorously pursued, including for debts incurred in the course of business;

(b) in the meantime, introduce secondary legislation to expand the list of goods exempt from domestic poindings and warrant sales; and

(c) establish a working group to consult widely and develop proposals for reforming the law of diligence against moveables, including proposals for debtor protection and debt arrangement schemes;

and for these reasons, while agreeing to the principle of abolition of the poindings and warrant sales system, does not agree to the general principles of the Abolition of Poindings and Warrant Sales Bill."

15:56

Alex Neil (Central Scotland) (SNP): That was one of the most disappointing and depressing speeches I have heard in this Parliament in the past year. There is very clearly a majority in the Parliament for getting rid of poindings and warrant sales, and for doing so as a matter of urgency.

There are two big issues at stake in today's debate. The first is the common ground on getting rid of poindings and warrant sales. The second is whether we are engaging in the new politics of Scotland or whether we are just playing a waiting game—talking about but not implementing the spirit of the new democracy in Scotland. Jim Wallace talks about another working party. We have had three working parties of this Parliament—cross-party working parties called parliamentary committees. They have spent hour upon hour on a cross-party basis interviewing people. They have read reams of written evidence and listened to hours of oral evidence.

Hugh Henry (Paisley South) (Lab): Will the member give way?

Alex Neil: No, as I have only five minutes.

Three cross-party working parties have come to the same conclusion independently. That conclusion is that poindings and warrant sales should be abolished—and as soon as possible. Furthermore, the lead committee—the Justice and Home Affairs Committee—has recommended that to give the Executive and others time to introduce other measures, a delay in implementation of the bill should be agreed.

In none of the arguments that Jim Wallace advanced today do I see why he cannot vote for the principle of this bill, be prepared at stage 2 and afterwards to lodge amendments on timing and the safeguarding of the interests of small businesses, and use the time gap that is recommended by the Justice and Home Affairs Committee to introduce any additional legislation

that is required.

I will tell members why the Executive is against this bill. It has nothing to do with high politics or principle. The Executive is against this bill for only one fundamental reason—because the name of its promoter is Tommy Sheridan and not the Executive.

The reasons for abolishing poindings and warrant sales are well recorded by the committees. Tommy Sheridan referred to Karen Whitefield, a member of the Social Inclusion, Housing and Voluntary Sector Committee who said quite openly before evidence was taken that she was sceptical about abolition. She was sceptical for one of the reasons that the Deputy First Minister mentioned in his speech: that the abolition of poindings and warrants sales might mean that the poor people who are affected by them would no longer be entitled to credit.

After evidence was taken—the minister will know this if he has read the committee's report—Karen Whitefield and others were persuaded, on the basis of the evidence that was received from the Council of Mortgage Lenders and others, that abolition poses no threat to the creditworthiness or credit rating of poor people. If the minister had read the evidence the committees have taken, he would know that that was the conclusion of the Social Inclusion, Housing and Voluntary Sector Committee.

Warrant sales and poindings are barbaric. They are outmoded and they are immoral. They are a direct attack on the poorer sections of our society. They are not designed to deal with those who can pay but will not. The people who are the victims of warrant sales and poindings are those who want to pay but do not have the means to pay.

What happens when the bully boys—the sheriff officers—come to the door? Read today's edition of *The Herald*.

Mr Quinan: Some water, Alex?

Alex Neil: Thanks very much. [*Laughter.*]

On page 7 of *The Herald*, somebody called Alec—and it is not this Alec, and I do not think that it is that Alec, Alec Salmond—was the perfect fit for a profile of Mr Average until depression cost him his job a few years ago. He faces the prospect, on Monday, of sheriff officers arriving at his house and seizing the tumble dryer, the television and the hi-fi, which have already been valued at £80 for the lot. That is exactly what it will cost for the sheriff officers to come and poind those three items in the first place. Poindings do not recover debt.

Jim Wallace should read the story. At the end there is a plea from Alec and his family to abolish poindings and warrant sales and, in doing so,

introduce what he calls “just a wee bit of humanity” into the system. The present system strips people of their dignity and it strips us as a community of our humanitarian principles. Not only that, it does not achieve its principal aim of recovering debt.

Research findings from the Scottish Executive's own central research unit demonstrate that only 22 per cent of the debt is recovered, excluding the expenses of the sheriff officers, which are often not covered. In 82 per cent of cases of individual poindings and warrant sales, not enough money was recovered to pay the sheriff officers, never mind pay off the debt. Let us live up to the expectations of the Scottish people. Let us, in this Parliament, demonstrate that we do not care whose name is on the bill. This is not Tommy's bill, it is not Alec's bill, it is not John's bill—it is the people's bill. It is our responsibility to pass it.

16:03

Phil Gallie (South of Scotland) (Con): We have great sympathy with many of the examples that Alex Neil has given. Having said that, we do not follow the line of supporting Tommy Sheridan's bill, and I will try to explain why. I congratulate Tommy. He is following his principles. He is full of emotion about this issue, and I quite understand that. His presentation today was excellent, but, as far as I am concerned, it was ill founded. Again, I will try to justify that comment as I go through my speech.

The aims of all politicians are broadly the same. The way in which we achieve our aims provides the basis for political argument and division. Irrespective of the emotion, our objectives may well be the same. During recent periods of Tory government, the issue of poindings and warrant sales was considered. Major reforms were implemented to remove factors causing stigma and humiliation. It was determined at that time that abolition would harm rather than help those who are the worst off in society.

We have considered these issues closely over recent weeks. We have considered the evidence taken by the committees, and have taken on board the points that were made. Although we express sympathy, we feel that the people whom Tommy Sheridan considers that this bill is aimed at helping would be the worst sufferers if the bill were implemented.

Mrs Margaret Ewing: Will the member give way?

Phil Gallie: I apologise but I have only a few minutes.

I remember debates in the House of Commons on the Bankruptcy (Scotland) Bill in 1993, and it is encouraging to note that the realities and

responsibilities of government have apparently changed the minds of so many people in the Labour party and the Liberal party—although SNP members are pointing out to me that Liberal members seem to have deserted the ship. There are none here, with the exception of the Deputy First Minister.

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen) rose—

Phil Gallie: I apologise. I will not give way but I acknowledge that Nicol Stephen is here.

To be fair, I do not charge Labour party members with abandoning long-held principles on the issue. I acknowledge that their long-held role as the Opposition forced them into making many claims that were ill thought out, but that were made in their efforts to win a general election. Today they acknowledge that we were right and they were wrong. Given past deliberations, this late amendment has been presented in the most deplorable way and, because of that, it is unlikely that we will support it.

We believe that where a person is legally entitled to payment of a debt and the debtor does not make payment in reasonable time, the law must provide a means whereby the creditor can obtain payment. Such a system must be fair to both creditor and debtor. At the instigation of the Thatcher Government the Scottish Law Commission reviewed laws that had been in place for over a hundred years—laws that I acknowledge fit some of the descriptions used for poindings and warrant sales today. Those descriptions show that, to some extent, those who promote today's bill are trapped in a time warp.

The Debtors (Scotland) Act 1987 brought changes in wage arrestment that ensure that no one has their entire weekly wage or monthly salary taken. Time-to-pay orders and directions were introduced. The act increased the range of goods exempted from valuation and sale in poindings and warrant sales. In that area I accept that there is scope to bring the legislation up to date with modern living standards. That would address the very emotive issues that Alex Neil raised, referring to *The Herald* today. Many people I have spoken to are blissfully unaware of those changes and that is a factor in the general public's attitude to warrant sales.

I want to eradicate a further misperception. It is frequently suggested that only Scotland has a system of reclaiming debt from people's moveable assets. That is not the case. In Europe 22 countries have similar systems, and many other democratic countries have such systems in place.

Tommy Sheridan has argued that sequestration is an alternative route to take, but it can be costly. If used in the business context, it leads to a

cessation in trading, which does not help either small businesses or those employed in them. If the threat of sheriff warrants is removed, there is nothing to stop people turning their assets into personal possessions. The effect of the proposed change, without real alternatives being put in place, would be to remove credit facilities for people in the lowest income brackets. We are not prepared to condone that or to condone a move that will bring untold difficulties to those who strive to make a success out of small businesses.

16:09

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to this debate even if, earlier, Tommy Sheridan pronounced my name in a Sunday way—which associates me with a certain useless chancellor who could not even pronounce his own name.

I am happy that the position of the Executive has changed from what seemed to be direct opposition to proposing an amendment that outlines its commitment to abolishing poindings and warrant sales and makes helpful suggestions about the way forward. As a Labour back bencher, and I believe representing the views of many of my colleagues, I urge the minister, even at this late stage, to withdraw the amendment, to make it clear that this Parliament wants warrant sales and poindings to go. I further say, in all seriousness, that if the minister does not withdraw the amendment, I believe that I and many of my colleagues will vote to ensure that they go.

We must take note of the fact that three parliamentary committees—the Local Government Committee, the Social Inclusion, Housing and Voluntary Sector Committee and the Justice and Home Affairs Committee—heard evidence, deliberated and expressed some reservations, but took the view that the bill's principles should be supported.

Let there be no mistake: there was no collective rush of blood to the head; no emotional spasm; no mass enchantment with the person who promoted the bill; no desire to create a cheats charter; and no desire to capitulate—I believe that was the word used—to Tommy Sheridan. It would be helpful if the new politics could stretch a little further than individuals and highlight the political issues that we are debating. This was a clear decision, taken deliberately and thoughtfully. Its significance should not be underestimated.

Mrs Margaret Ewing: I am grateful to Johann Lamont for giving way, because this is an important debate.

All of us, on a cross-party basis, wish to pay tribute to the people who have, over many years, argued the case for the abolition of warrant sales

and poindings. It stretches back to Jimmy Dempsey, Dennis Canavan and many others. It is important that we all recognise that this is not a new subject. If the Executive had a point to make, it could have made it much earlier.

Johann Lamont: I am in the Labour party. I know that poverty is not a new issue and that dealing with poverty is not a new issue for those of us who have fought long and hard to deal with those matters. The view of the Local Government Committee was that unless the decision to abolish was taken, there would be no need or pressure to find an alternative. It is known as concentrating minds. It is clear to the Local Government Committee, and I believe that it is the view of many Labour MSPs and others, that the level of stress and distress caused by this process is unacceptable. In effect, warrant sales and poindings humiliate, with no evidence of benefit, the poor who genuinely cannot pay in order to put pressure on those who can pay.

I will make serious points about issues that the committee process and some of the debate on this issue have generated. We should challenge the idea that the poorest in our communities are waiting for the opportunity not to pay their debts. We will all have examples of constituents who, far from attempting to avoid paying what they owe, will sacrifice and do without to ensure that they are debt free. We know that many struggle to pay. We know that many, especially among our elderly, suffer to pay. I would contend that, if people wish to learn the skills of tax avoidance, they should look not to the poor, but to those who pay handsomely for advice that reduces their tax responsibilities.

I emphasise the importance of the point that we need to develop an alternative means of collecting debt. People see that as fair: people should pay what they owe if they can afford to pay. It is in the interests of the poorest in our communities that local government collects council tax from those who can afford to pay in order to deliver the services that the poorest in our communities require.

Tommy Sheridan has indicated that the bill is incomplete. He has said that sanctions are required. That is the challenge for us. Good government is not just about identifying problems and then wringing our hands; it is about finding solutions. What we should do today is to draw a line by saying that we wish to abolish warrant sales and poindings and that we will abolish them. Tommy Sheridan has flagged up the issues. It is now the job of our committees, the partnership Executive and the Parliament as a whole to develop a package that will secure the rights of those who seek to recover debt and stop the current system that so cruelly tests the poorest in

our communities.

I urge Parliament to agree to the principles of the bill in the sure and certain knowledge that we will revisit the complexities and difficulties of it. We must agree to the principles so that we can get on with the job of developing a system of debt collection that does not have at its heart such deep injustice.

16:15

Roseanna Cunningham (Perth) (SNP): I quote from a previous debate on a bill to abolish warrant sales, a bill proposed by Margaret Ewing in the House of Commons in 1990. Brian Wilson, who is a Labour minister in the UK Government, said that

"we should acknowledge unanimously that the warrant sale is a peculiarly Scottish evil. It is a dreadful system. It has no redeeming feature."—[*Official Report, House of Commons*, 9 February 1990; Vol 166 c 1189.]

I agree with Brian Wilson that it has no redeeming feature—it is one of the few times that I will agree with him. I am sure that Brian would agree with me today. Like many others, I am at a total loss to understand the stance taken by the Executive on this issue. In my view, the opponents of warrant sales are entitled to look sceptically at the record of successive Administrations until now, to look sceptically at the current Executive's rhetoric and to continue with that sceptical stance into the future despite the minister's assurances.

Consider the amendment that is before us. First, it asks us to abolish the present system. That is a fine statement of principle, so why not take the opportunity right now to do so? Secondly, it says that we need to ensure rigorous pursuit of debts. Passing this bill will not prevent that from happening. If the Executive thinks that there will be deficiencies in the remaining procedures, it is entirely open to it to do something about it before implementation of the bill.

The amendment goes on to say that, in the meantime, there should be secondary legislation. The Justice and Home Affairs Committee's recommendations suggest a delayed implementation to allow any other measures to be put into place. The amendment goes on to talk about establishing another working group. Well, pardon us all if that does not sound hugely innovative. The minister has told us of the potential membership of that group, but he has not told us of a proposed time scale for the group. In any case, there is nothing to stop it happening today, when we pass the bill, as I intend that we should do.

The amendment ends on a note of breathtaking surrealism, agreeing the principle of abolition but not agreeing the principle of abolition. We are in serious Lewis Carroll territory here. Not one of the

Executive's reasons for refusing to support the bill stands up in reality.

There is another iniquity inherent in this refusal to support the bill. The committees took extensive evidence, both written and oral, from a large number of organisations over a considerable number of meetings, sometimes at major cost to their business programmes. We did that because all of us recognise the importance of hearing all sides of the argument.

We took on board a number of the concerns about the imbalance that abolition might introduce into the debt recovery system. Three different committees independently came to almost exactly the same conclusion: pass the bill but delay implementation, precisely to allow any resulting imbalance to be addressed by the Executive, but within a reasonable time scale. Indeed, I would argue that the conclusions and recommendations in the Justice and Home Affairs Committee's report are carefully thought out, responsible and, above all, reasonable.

The Minister for Justice referred to paragraph 48 of our report. I would refer him to paragraphs 47, which is helpfully highlighted for his interest, and 49. We considered those recommendations to be enormously important. In my view, all the committees have acted responsibly. For the Executive to take the view outlined in this rather churlish amendment would mean that a colossal amount of work and time, not just of members but of hard-pressed clerking staff, had been, in essence, totally wasted. It would send a message that the considered views of the committee are to be set at naught, even if they are truly representative of a cross-party consensus—which, on this issue, is clearly the case.

I strongly urge the Executive, even at this eleventh hour, to allow its amendment to fall. To do otherwise does a disservice to the committees, to the Parliament as a whole and indeed to the people of Scotland, who almost certainly would find this piece of legislation utterly appropriate and totally welcome.

16:19

Ms Margaret Curran (Glasgow Baillieston) (Lab): It is safe to say that I will agree with my pal from Pollok—just as well, as she is sitting beside me.

I welcome the debate and I do not underestimate the difficulties that we face in it. It has been recognised from the start that there are complexities relating to the bill. There is the fundamental fact that we in Scotland face a two-edged sword: we must deal with people who want to get out of debt but cannot and we must deal with people who can pay but will not, because they

know how to work the system.

I would like to make a few points absolutely clear. I have not an ounce of sympathy for those who dodge their debts nor for those who are in employment, but who expect others to shoulder the consequences of their dishonesty—there is evidence on that. Nobody in Parliament should give such people succour. I recognise that, even in the most impoverished communities, there remains a central moral imperative that one must pay one's debts. There is no running away from the fact that we need sanctions and compulsion. The Executive should recognise that.

As convener of the Social Inclusion, Housing and Voluntary Sector Committee, I must recognise the evidence that the committee heard. We heard a considerable amount of evidence from the Department of Social Security. I asked DSS officers whether the biggest spur to payment is a solicitor's letter indicating that legal action will be taken against a person, rather than the threat of poindings and warrant sales. They said that that was correct.

The committee heard, above all else, about the perniciousness and ineffectiveness of warrant sales. The citizens advice bureau in Easterhouse outlined the recent case of an elderly couple who had council tax arrears of £81. By the time they came to the citizens advice bureau, their goods had been poinded, after sheriff officers had demanded that they increase their payments from £15 per week in order to prevent the warrant sale. Not so long ago, I dealt in my office with the case of a disabled 80-year-old woman who was on the phone in tears because she had received a letter from a sheriff officer. The council apologised, but we must prevent such things from happening again.

If the Executive does not withdraw its amendment, I will ask Jim Wallace to come with me to Easterhouse to explain to the people—

Mr Jim Wallace *indicated agreement.*

Ms Curran: We might organise that trip.

Minimal debts trap people in a cascading spiral that causes and reinforces exclusion. For those who are caught in such circumstances, we must devise a system that removes the terror that results from the unscrupulous and brutal treatment that they face.

I welcome much of what Jim Wallace said. It concurs with much of the evidence that was taken by the Social Inclusion, Housing and Voluntary Sector Committee. He said on the radio this morning that Scotland is made up of fair-minded people. I am in no doubt that the vast majority of ordinary people believe that they should pay their debts, but they also believe profoundly that we

should outlaw processes that degrade and terrify people.

I have argued for support of the bill since it was introduced. I will support it today because we must ensure that poindings and warrant sales will not be part of the alternatives that are put before us. I have argued with Tommy Sheridan all my political life and I will, no doubt, continue to do so, but that offers no solution to people who have been excluded, isolated and impoverished after 18 years of that Tory lot. The Labour party has always allied itself with those who are impoverished and dispossessed. That is part of our history and it will be a continuing commitment. Today we are allied with the poor and the dispossessed.

Ms Sandra White (Glasgow) (SNP): On a point of order. A number of weeks ago Sir David Steel ruled that members must treat each other with respect. Could you please remind members of that ruling? Mr Wallace has treated Roseanna Cunningham disrespectfully by uttering what I consider to be an obscenity during her speech. I would tell you the exact word, but I do not want to repeat it. I could write it down for you.

The Deputy Presiding Officer (Patricia Ferguson): I did not hear anything of that nature, but we will check the *Official Report*. I would be grateful if Ms White would write to me.

16:24

Tricia Marwick (Mid Scotland and Fife) (SNP): There is no bill more fitting than the one that we are debating to be the first member's bill in the Parliament. It underlines the determination of our Parliament to change Scotland for the better. It is right that one of the first acts of the Parliament should be to abolish the draconian and barbaric system of poindings and warrant sales, which have been used to terrorise and intimidate the poorest and most vulnerable people in Scotland for generations. It is an outrage that the Labour-Liberal Executive should come forward at this stage with an amendment that will change the principles of a member's bill. The time for amendments is in committee at stage 2.

As I said earlier today, if the Executive wins this vote, it will mean that no member's bill will ever become law unless it has the support of the Executive—that is an intolerable situation. Evidence to the committees has shown that warrant sales are not an effective means of collecting debt. Of the 23,000 poindings that took place last year, only 503 resulted in warrant sales.

Poindings and warrant sales are not about collecting debt. They are used to intimidate and humiliate. In many cases, all that working-class families have is their pride and dignity. They may

be in straitened financial circumstances and in debt; pride and dignity is sometimes all that remains. Poindings are used to humiliate and degrade them. They are used to strip away that dignity and reduce people in the eyes of their neighbours.

The people of Scotland will be astounded and appalled that the Labour Executive, which moved with such alacrity over the abolition of section 2A, should now seek to put a brake on an issue that goes to the heart and soul of the decent and civilised society that we wish to create in the 21st century. I do not seek to rerun the debate on section 2A, but the people of Scotland will be angry and mystified at why that issue should have been progressed so quickly, with so little discussion, debate or detail, yet on warrant sales and poindings, which were dissected by three committees of the Parliament, the Executive claims that it needs more time. The Executive has known about this bill since August.

This is the day on which MSPs must stand up to the Executive and stand up for the committees and the people of Scotland. All of us who are in political parties recognise that there are times when we have to trim or rationalise on a personal position. Today is not one of those times. I tell Labour members that they cannot, in good conscience, rationalise support for poindings and warrant sales, as this amendment asks them to do. This is the time not for Executive diktat but for individual conscience. They will never be forgiven if they vote for the Executive amendment to maintain poindings and warrant sales in Scotland.

16:27

Karen Whitefield (Airdrie and Shotts) (Lab): I am in favour of the general principles of the bill that is before Parliament. The evidence that was given to the Social Inclusion, Housing and Voluntary Sector Committee made it clear to me that there is no place in a just and fair modern Scotland for poindings or warrant sales. That is not to say that the enactment of the bill will not create additional problems. All societies must ensure that there are sufficient means to enforce the payment of debt.

We must ensure that local and national taxes, by which we fund our public services, are not avoided. To neglect that duty is to neglect the sense of community responsibility that everyone faces to put something back into our communities and society. It is for that reason that time must be taken to consider the range and types of powers that would replace poindings and warrant sales.

However, the evidence convinced me that poindings and warrant sales are not the best or fairest way to ensure that that sense of community

responsibility prevails. Evidence from the Department of Social Security showed that between 1 April 1999 and 30 September 1999, the Child Support Agency was granted 191 liability orders, to the value of £750,000. The debt that was recovered after the execution of poindings was £20,000, and the debt that was recovered after warrant sales was less than £2,000.

Poindings and warrant sales are not directly effective as a method of recovery. The only argument is whether they are effective and sustainable as a form of threat. If they are, we must consider whether such a threat is consistent with the values of a modern Scotland, which has expressed its aims of eradication of poverty and extension of opportunity.

The majority of people who are affected by poindings and warrant sales come from poor and deprived backgrounds. They reach financial crisis not through choice, but through unfortunate circumstances. For those people, being faced with the prospect of losing what few possessions they have is not a constructive way out of their difficulties, but merely an invitation to get into greater difficulties by borrowing money from lenders who charge high interest, not all of whom are unofficial loan sharks. It is especially ironic that the people who pay most for credit in our society are the very people who can least afford to.

The Law Society of Scotland gave evidence to the Social Inclusion, Housing and Voluntary Sector Committee that the abolition of poindings and warrant sales could lead to some unscrupulous methods of debt recovery. I leave the chamber to ponder the merits of that observation.

I am in favour of strong and structured ways of recovering debt. I am also in favour of enabling and supporting financial support mechanisms within communities, such as credit unions, which help to prevent debt from occurring by encouraging regular saving patterns. I agree that people should spend responsibly and within their means. I also agree that money advice services should be made available, so that people with debt are supported and shown some light at the end of the tunnel.

The evidence that was presented to the Social Inclusion, Housing and Voluntary Sector Committee illustrated the need for debt recovery. That is why, while I welcome the principle of today's bill, I also welcome the Executive's commitment to combating and eradicating poverty. That is why I welcome the Executive's commitment to developing and supporting Scottish credit unions. If debt is truly a function of poverty, we must tackle the underlying causes of debt as well as dealing with its consequences. That is why I call on the Executive to withdraw its amendment.

Mr Salmond: On a point of order. I understand that the First Minister's press officer is briefing the press that the Executive will withdraw its amendment. Should not the Executive be telling the Parliament that that is the case, given that this is the day on which the Parliament has grown up and spoken for the Scottish people?

The Deputy Presiding Officer: I have been in the chair for some time, so I have no idea what the First Minister's press officer is doing. I am sure that that point will be covered when the Executive winds up. We will check the matter when I leave the chair, to find out what is happening—

Mr Salmond: It is a matter of parliamentary privilege. I understand that members of the Executive have a responsibility to tell Parliament before they tell the press. This is a clear point of order.

The Deputy Presiding Officer: I understand that. As I said, we will find out the truth behind this when the Executive comes to it, unless Mr Wallace—

Alex Neil: On a point of order. Surely—

The Deputy Presiding Officer: Sit down please, Mr Neil.

Alex Neil: It is point of order.

The Deputy Presiding Officer: I will call you for a point of order.

Alex Neil: The minister should tell us now. Will the Executive withdraw the amendment? Yes or no?

The Deputy Presiding Officer: I understand your point, and if you had let me finish, I would have said that we will find out the truth when the Executive winds up, unless Mr Wallace wishes to tell us anything now. Mr Wallace?

Mr Jim Wallace: Obviously, there will be a reply on behalf of the Executive, and I do not want to pre-empt what Ms Baillie will say.

I have been listening to the debate and—to be fair to the more constructive comments from members behind me rather than the comments from those on my left—to the arguments for withdrawing the amendment. Ms Baillie will make an announcement formally but, given the arguments that have been presented, that is certainly what I was minded to do.

Phil Gallie: On a point of order. That answer refers to the amendment, but what causes me concern is the fact that a press officer is giving a briefing. The Deputy First Minister has not responded to that point. Can he give an assurance that the press is not being briefed at present?

The Deputy Presiding Officer: Mr Gallie, as I

have already indicated, I will look into that matter.

Mrs Margaret Ewing: On a point of order.

The Deputy Presiding Officer: If it is the same point of order, Mrs Ewing, I will not take it.

Mrs Ewing: It is a serious point of order. I suggest that you suspend the meeting, Presiding Officer, until we have a clear statement so that we know what we are debating. There is no point in making speeches asking the Executive to withdraw its amendment if the withdrawal is already being announced to the public.

The Deputy Presiding Officer: No.

Tommy Sheridan *rose—*

The Deputy Presiding Officer: We now move to the closing speeches. Unless you have another point of order, Mr Sheridan, I must ask you to sit down.

Tommy Sheridan: I was simply going to ask that you move on, Presiding Officer, because one member who should have the right to speak is John McAllion.

The Deputy Presiding Officer: There are several members who have indicated that they wish to speak in the debate. As I was about to say, we are moving to winding-up speeches and so I will not be able to call those members. I apologise for that. I call Euan Robson to wind up for the Liberal Democrats.

Tricia Marwick: On a point of order. Some months ago, the Presiding Officer made a ruling that only those members who had sat through the opening speeches were allowed to take part in the debate. I respectfully suggest, Presiding Officer, that you do not call Mr Robson, who has not had the courtesy to sit through the opening speeches and some of the other speeches. It is an outrage that he is allowed to speak.

The Deputy Presiding Officer: Please sit down. I call Mr Robson.

Mr Salmond: On a point of order. During the point of order before that one, the Deputy First Minister indicated that he was minded to withdraw the amendment. All we need is confirmation of the position.

The Deputy Presiding Officer: We will no doubt hear that in due course. We will now hear Mr Robson winding up on behalf of the Liberal Democrats. *[Interruption.]* Order.

16:37

Euan Robson (Roxburgh and Berwickshire) (LD): Thank you, Presiding Officer. *[Interruption.]*

The Deputy Presiding Officer: Order.

Euan Robson: It is fair to say that this has been an interesting debate. It is clear that members throughout the chamber hold the view that the system of diligence in Scotland needs to be modernised. I repeat the view of the Justice and Home Affairs Committee—*[Interruption.]*

Phil Gallie *rose—*

The Deputy Presiding Officer: Mr Gallie, I realise that you are about to try to make another point of order. I caution you to ensure that it is a new point of order, rather than one that has already been raised.

Phil Gallie I have a point of order that is genuine, just as it should be in a serious debate such as this. Tricia Marwick raised a point about the presence of an individual during the opening speeches. I recall that the Presiding Officer made a judgment on that matter.

The Deputy Presiding Officer: There is a convention that members who are called to speak will have been in the chamber for the opening speeches. That it is helpful and the member's presence during opening speeches is taken into consideration. On several occasions, members from all parts of the chamber who for one reason or another have not been in the chamber for the opening speeches have still been called to speak. That will apply again today. Please continue, Mr Robson.

Euan Robson: Thank you, Presiding Officer. I would like to take the opportunity to apologise to members if I missed one of the opening speeches. I recall being here throughout two of them; it is sometimes difficult to find out who is opening and at what time.

The report of the Justice and Home Affairs Committee said that

"poundings and warrant sales are an inhumane and anachronistic method of enforcing diligence, which is outwith the bounds of what should be morally acceptable in modern Scotland."

I concur with that completely. Throughout the Parliament, there is little dissent from that view.

I have taken some encouragement from today's proceedings. I spent some 15 years dealing with debt—albeit in the gas industry. I remind Tommy Sheridan that he ought to be careful not to prejudge the views of people before he makes statements about what they may or may not do on a particular occasion.

What my former colleagues and I knew well was that people are often faced with multiple debt—not debt that was confined to a particular industry. Those people shuffle their debt around. If the warrant arrives from the council, another bill goes unpaid, or people fall into the hands of loan sharks. For that reason—and from practical

experience—I fully support the need to abolish poindings and warrant sales and to have a general review of diligence, which is something that never took place when control was held at Westminster. It is important that this Parliament has addressed the issue early on.

As we heard at the Justice and Home Affairs Committee, warrant sales and poindings are an ineffective form of debt recovery because people shuffle debt around. Such measures need to be replaced for that reason alone, never mind their inhumanity.

I welcome Jim Wallace's speech. He gave a clear statement that the Executive will abolish poindings and warrant sales, which is an objective that my party supports. The key issue this afternoon is how to achieve that shared objective. The Executive made one proposal; the Justice and Home Affairs Committee made another, which I believe remains a practical alternative. Should the minister choose to seek agreement to withdraw his amendment, there is a means of creating an alternative system and a humane method of debt recovery.

I have stressed my personal preference for the Justice and Home Affairs Committee's proposal and I will welcome the day that poindings and warrant sales are consigned to the history book where they belong.

16:41

Mrs Lyndsay McIntosh (Central Scotland) (Con): I hope that members will forgive me, but I propose to race through this speech to give others time to make contributions.

I congratulate Tommy Sheridan on his achievement in getting the first member's bill through this Parliament. However, my colleagues have outlined the Conservatives' position in opposing Mr Sheridan's bill and I will explain why we are doing so.

When the bill came before the Justice and Home Affairs Committee, we were not unsympathetic to much of its content. I do not dispute the fact that warrant sales can be embarrassing and humiliating ordeals and I do not disagree that Mr Sheridan has witnessed more sales than most sheriff officers. Furthermore, I am sure that many members have taken the time to read the various briefing notes that have been circulated and can readily understand the emotional attraction to an outright abolition.

However, our principal objection to the bill is the lack of distinction between personal and commercial debt. Abolishing poindings and warrant sales outright will leave a gaping hole that will be abused by an admittedly small but

unscrupulous couldn't-care-less brigade. The size of that brigade would grow.

Christine Grahame (South of Scotland) (SNP): Will Lyndsay McIntosh give way?

Mrs McIntosh: I am sorry, but no; I said that I would race through my speech.

Such exploitation would do greater damage to the very people Mr Sheridan seeks to protect.

Johann Lamont: Will Lyndsay McIntosh give way?

Mrs McIntosh: No, I am sorry.

We all understand that we cannot get blood out of a stone; some people living on the margins simply do not have the resources to pay off their bills. In my years in the district court, I have seen evidence of that many times in the case of fine repayments.

Any illusions that members might harbour that I am hard as nails would be in tatters if they knew the extent to which I have gone to ensure that repayments were within the means of fine defaulters, and that they—and I mean women in particular—were not left to make the choice between feeding their family and paying off a fine. Times without number I have directed reductions in payments and offered advice on the nearest place in which to make payments to avoid the additional cost of the bus fare to the court. We are far from unsympathetic to the cause.

However, I have also had to listen to a tissue of lies and hard-up stories from people in good gear who are simply not prepared to cut their coat according to their cloth. They have the trappings of a must-have mentality and to hell with the consequences. Before we had signs similar to the familiar and often-ignored exhortations to switch off mobile phones before entering the court, officials sometimes had to wait while fine defaulters organised their social calendars on their mobile phones. There is a huge difference between people who cannot pay and those who will not pay. People who can but will not pay are adding to already difficult circumstances for those who are genuinely at the margins. We would prefer some distinction to be made between those two categories.

Our other concerns centre on the additional burdens placed on those who struggle to abide by the law and pay their way. We do not want to pave the way for a debtors charter. That would only harm the people whom Mr Sheridan wants to help. Without the regulations that are in place, which are probably ripe for improvement, sources of reputable credit facilities will dry up, driving people into the clutches of illegal moneylenders with repayment schedules that cannot be met. That cannot have been the intention behind the bill.

Finally, in the absence of poindings and warrant sales, I must query what remedy there will be for small businesses, which also sometimes operate at the margins, to recover debts from persistent bad payers. How do we encourage would-be entrepreneurs and future captains of industry to dive in and put their or, worse, our money where their mouth is when we have removed the legal recourse for them to get what they are due?

The Deputy Presiding Officer: Will you wind up, please?

Mrs McIntosh: I am on the last line.

As previously stated, we understand the motivation behind the bill and have a genuine sympathy for its objective but, regrettably, we cannot support it.

16:46

Mr Lloyd Quinan (West of Scotland) (SNP): It is with some pride that we can say that we have at least debated the abolition of poindings and warrant sales. However, it would have been a matter of real pride to have been able to stand before Parliament today summing up a debate that marked a definite and unequivocal end to warrant sales in Scotland. It would have been a matter of pride if we, as members of this first Scottish Parliament, had spelled out an immediate end to the indignity, the fear and the licensed bullying that allows the courts to seize and put on public sale the possessions of the poorest in our society.

Instead, it is a matter of national shame that the Parliament should even be considering an amendment—a Labour amendment—that will preserve the right of the state to auction off the few possessions of the poorest in an act of public humiliation. Looking round the chamber, I see that most of my colleagues are from a political background that championed the poor, the unfortunate, the down-trodden and the underprivileged. They are politicians from a history that fought proudly to protect the humanity and dignity of ordinary people. They are politicians from a history that has fought since the time of Keir Hardie against a range of social injustices including warrant sales. I am, therefore, at a complete loss to understand why the Executive has proposed this tawdry amendment, which ultimately will preserve the warrant sale.

Johann Lamont: Has Lloyd Quinan listened to the debate? Did he listen to what Labour MSPs said? Is he aware of what Labour MSPs will do, if necessary, to ensure the abolition of warrant sales and poindings? He should have changed his speech and he should have listened to what people had to say. That is what is known as debate, democracy and the new politics.

Mr Quinan: We had the delight of listening to Jim Wallace saying that he had a desire to end indignity and that he abhorred warrant sales, while he spuriously defended the minority of the minority to the detriment of the many. There were scare stories about people who will not pay, much like those told by the Tories, who have demonised a whole section of our community on the basis that there are benefit cheats.

I refer members to the case of Rita Borthwick of flat 1/2, 3 Sir Michael Street, Greenock, who was poinded last month for the princely sum of £4—an amount that she had paid. She had come out of hospital two days previously, having had a heart by-pass operation, and is housebound. The argument from the Liberals is that there are people who will not pay, against whom we must direct our actions. The fact is that because of administrative incompetence—an administrative error—someone who paid her bill in 1995 has had a poinding and will have a warrant sale. I tell Mr Wallace that the only reason why that is happening is the existence of an inequitable structure.

From the remarks made by the Deputy First Minister, it seems that his concerns are about due diligence—the ability to recover from those people who are refusing to pay. I suggest that the case that I mentioned is one of someone who has paid. Many people in similar situations suffer the same indignity because of the existing barbaric structure. I suggest to Mr Wallace—and hopefully to the Executive—that he withdraw the amendment and withdraw it now.

16:50

The Deputy Minister for Communities (Jackie Baillie): I say at the start, in response to a point made by Alex Salmond, that no one in the Executive, nor indeed a member of staff of the Executive, has briefed the press this afternoon; it is for this Parliament to hear first any view from the Executive.

Let me say clearly—some colleagues on the SNP benches are perhaps hard of hearing—that the Executive is entirely opposed to the present system of poindings and warrant sales as a means by which to recover debt. We are committed to the abolition of poindings and warrant sales. For that reason, my colleague, Jim Wallace, has asked me to advise the chamber that he will call on the Parliament to agree to the withdrawal of the Executive amendment. *[Applause.]* I thank the chamber for its evident support for the Executive's position.

In this debate, we have heard many horrifying examples of the application of this form of diligence, which, without doubt, is truly archaic, inhumane and deeply offensive.

Bruce Crawford (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. Given the circumstances of the announcement that we have just heard from Jackie Baillie, can we have some information about when that decision was taken, so that we can determine exactly what happened with the press at the given time?

The Presiding Officer (Sir David Steel): That is not a point of order for me.

Jackie Baillie: This form of diligence has no place in a modern, progressive society, and I hope that everyone in the chamber believes that it must go.

I joined the Labour party because it consistently championed this and similar causes, as have other parties represented in this chamber, not only because of its fundamental belief in social justice and the decent treatment of all people, but in particular because our roots are grounded in protecting the worst-off people in our society.

I will turn to the principles underlying the Executive's position. First, we agree that the current system of poinding and warrant sales must be abolished. It needs to be replaced by a modern system that protects those who cannot pay and that ends the indignity and public humiliation that some of our people have to suffer.

Secondly, we recognise that there are people, including businesses, who can pay but do not. There are people who abuse the system and we should have no patience with them—they should be pursued vigorously. However, as the committees recognised, abolition is to be supported, but the immediate implementation of abolition by itself may cause unintended negative consequences.

The committees have recommended that an alternative, humane diligence against moveable property is found. I sense that Mr Sheridan, in his welcome comments about his pride in Johann Lamont's contribution at the Local Government Committee, accepts the need to put an alternative in place.

The Executive is committed to doing just that. We will establish a working group to consult widely on developing an alternative system of diligence and will introduce legislation to Parliament in 2001-02.

Thirdly, and perhaps most important for me, we will consider improving debtor protection and debt arrangement schemes. It is essential that we build on the excellent work of voluntary organisations such as Citizens Advice Scotland and Money Advice Scotland in debt counselling. It is essential that we help people to manage their debts more effectively and prevent them from getting into debt in the first place.

The disadvantage of the bill's approach is that it does nothing to help those who cannot pay to get out of their debt. Indeed, it might make it more difficult for those in need to obtain credit. It exempts those who can pay but will not pay, including business debtors. As members have heard, the financial implications for the public sector could be significant—loss for local authorities of £120 million has been mentioned—but that is not a reason to preserve the status quo. We can learn from the positive examples of local authorities, such as West Dunbartonshire Council, that have sought alternatives to poindings and warrant sales. That good practice will be drawn on and analysed in the context of the working group's deliberations.

We are not asking the working group to examine poindings and warrant sales. We are committed to the abolition of poindings and warrant sales. The group's purpose is to find a more humane alternative and to consider how best to protect people. That is the territory that the working group should be in. It should examine money advice services, credit unions and other preventive measures. I do not share Roseanna Cunningham's concerns about working groups. Members of her party welcomed the outcome of the homelessness task force report.

Let us be open and inclusive. Let us design a new system together. There is much in Mr Sheridan's bill to be commended. The Executive, by withdrawing its amendment, wants to take these issues forward in collaboration with the Parliament. The Parliament is of one mind: poindings and warrant sales must go. They are offensive and inhumane. We can send a signal about that. Let us abolish them. Equally, we must acknowledge our responsibilities as a legislature to put in their place a workable, humane system that will protect those who cannot pay and that will ensure that those who can, do.

16:57

Mr John McAllion (Dundee East) (Lab): This has been a short, fascinating and perhaps groundbreaking debate. I congratulate Tommy Sheridan on getting his bill to its stage 1 consideration in the Parliament. I thank him personally for allowing me to sum up on his behalf. It is not a privilege that I am often given and I am grateful for it when it comes, even if it comes from the Scottish Socialist party.

I also thank all the members who have spoken in support of the bill: Alex Neil, Johann Lamont, Roseanna Cunningham, Margaret Curran, Tricia Marwick, Lloyd Quinan, Karen Whitefield, and—I think—Euan Robson, although I was not quite sure about his position. Those members represent different parties but share the same values and

the same passionate commitment to the abolition of poindings and warrant sales that characterises the Scottish Parliament. It was appropriate that it was mainly women who spoke in this debate, since it is mainly women who are in the front line when it comes to poindings and warrant sales.

What can I say about Phil Gallie and Lyndsay McIntosh? I suppose that I can thank them for at least thinking about not voting for the Executive amendment that is to be withdrawn, but I condemn them and their party for being the last in Scotland to cling to the idea of using these obscene poindings and warrant sales against the poor.

I am delighted that the amendment that was lodged only yesterday, confirmed as being in order by the Presiding Officer this morning and moved by the Deputy First Minister, has, rightly, justly and finally, been abandoned—as it should have been much earlier. I do not want to overstate the case, but this has been a difficult problem for the Executive; back-bench rebellions always are. I have been warned to let people know that I am not the leader of this back-bench rebellion. The press should know by now that no rebellion that I lead is successful.

All kinds of accusations will be levelled at the Executive over its handling of this issue. However, there is no cause for political gloating, only for political rejoicing. Tommy Sheridan said that this was the first test of the Parliament's sovereignty and legitimacy. I am proud to say that the Parliament has passed the test and beaten the Executive. It was for days such as this that I entered Scottish politics, so let us enjoy them and revel in them when we have them.

I congratulate the Executive on having the wisdom to recognise the limits of its political authority. Genuine leadership sometimes consists of recognising and accepting defeat. The Executive will be wiser, more experienced and a better Executive following what has happened this week, and it should take great encouragement from that. The withdrawal of the amendment allows the Parliament to function as it was intended to function by those who created it—the Scottish people.

Our system of pre-legislative hearings is one of the aspects that makes this Parliament unique. Three different parliamentary committees have listened to the people of Scotland's views on this bill. Those all-party committees were unwhipped; MSPs were acting together but individually exercising their judgment on the basis of the evidence that was placed before them, and all of them came to the conclusion that the Parliament should approve the general principles of this bill. That is all that Tommy Sheridan and the supporters of this bill are asking the Parliament to do. If we vote to approve the general principles of

the bill, and if we support our committees, we will show the world that the parliamentary committee system of the Scottish Parliament works. Above all, we will take the first legislative steps towards ending the obscenity of poindings and warrant sales as a weapon against the poor in the 21st century.

The Deputy First Minister argued—as did others—that the Parliament would be wrong to abolish the system without replacing it with an alternative. That argument has come mainly from the Scottish Law Commission and sundry commercial lawyers, some of whom are sitting in the gallery watching our proceedings. The Scottish Law Commission is on record as saying that after long and exhaustive study it believes that there is no alternative to poindings and warrant sales. It has argued for reform of the system, to humanise it and make it less harsh, but it is impossible to humanise a system that is, by its nature, dehumanising. As many other members have said, the system strips our fellow citizens of the last vestiges of dignity that they hold as human beings.

The legal mind abhors the prospect of there being no ultimate legal deterrent; it wants a debt recovery system equivalent to Trident. However, this is a political issue. It is not a matter for lawyers. It is a matter for the whole of Scotland—and the whole of Scotland is telling this Parliament that there is no moral, social or political case for poindings and warrant sales. This Parliament should take that fact on board and act on it.

It was argued early on—by some unidentified source from within the Parliament—that the bill is a cheats charter. If anybody thinks that, they are really saying that to be in debt and to be unable to pay that debt is the equivalent of being a cheat. Some 95 per cent of those who are pursued by poindings and warrant sales are the poor who cannot pay because they are unable to pay, although they want to.

Tommy Sheridan told us to listen to the poor. In our committee, we heard evidence from the poor. They spoke about the effects of poindings on ordinary people and about the fear, shame, powerlessness and depression that hit people. One woman said that she could barely hold herself together and that she jumped every time something came through the letterbox. A 78-year-old woman told us, through her daughter, that

"they need to stop Warrant Sales . . . drop the terrible way of taking your possessions . . . I cry when I hear someone is having a warrant sale. So bless you for stopping them."—*[Official Report, Social Inclusion, Housing and Voluntary Sector Committee, 17 November 1999; c 311.]*

More people will bless this Parliament if we agree the bill at stage 1 today.

John Reid is fond of saying that the difference between him and Tony Blair is that if they come across tables and chairs in the street, Tony Blair thinks that it is an outdoor bistro whereas he thinks it is a warrant sale. [*Laughter.*] The Labour party came into existence to right wrongs such as warrant sales, and a commitment to abolish poindings and warrant sales was in Keir Hardie's manifesto. We have had to wait for another of Keir Hardie's manifesto commitments—the establishment of a Scottish Parliament—to become a reality before we have been able to turn our attention to the abolition of poindings and warrant sales.

This Parliament exists to abolish things such as poindings and warrant sales. I ask members not to fail the Scottish people and to vote to agree the general principles of this important bill. [*Applause.*]

Mr Jim Wallace: I beg leave to withdraw the amendment in my name.

The Presiding Officer: I must put that question to the chamber. Are members agreed that the amendment be withdrawn?

Amendment, by agreement, withdrawn.

Lead Committees

Motion moved,

That the Parliament agrees the following designation of Lead Committees—

The Justice and Home Affairs Committee to consider The Census (Scotland) Regulations 2000; and,

The Transport and the Environment Committee to consider The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2000.—[*Mr McCabe.*]

Decision Time

17:06

The Presiding Officer (Sir David Steel): There are four questions to be put to the chamber as a result of today's business.

The first question is, that motion S1M-637, in the name of Wendy Alexander, on the general principles of the Ethical Standards in Public Life etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)

MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 103, Against 16, Abstentions 5.

Motion agreed to.

That the Parliament agrees to the general principles of the Ethical Standards in Public Life etc. (Scotland) Bill.

The Presiding Officer: The second question is, that motion S1M-623, in the name of Jack McConnell, on the financial resolution on the Ethical Standards in Public Life etc (Scotland) Bill, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Ethical Standards in Public Life etc. (Scotland) Bill, agrees to the expenditure payable out of the Scottish Consolidated Fund of sums required to meet expenses of the Scottish Ministers in consequence of the Act.

The Presiding Officer: The third question is, that motion S1M-772, in the name of Tommy Sheridan, on the general principles of the Abolition of Poindings and Warrant Sales Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Barrie, Scott (Dunfermline West) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lyon, George (Argyll and Bute) (LD)
 MacKay, Angus (Edinburgh South) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)

The Presiding Officer: The result of the division is: For 79, Against 15, Abstentions 30.

Motion agreed to.

That the Parliament agrees to the general principles of the Abolition of Poindings and Warrant Sales Bill.

The Presiding Officer: The fourth question is, that motion S1M-775, in the name of Tom McCabe, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following designation of Lead Committees—

The Justice and Home Affairs Committee to consider The Census (Scotland) Regulations 2000; and,

The Transport and the Environment Committee to consider The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2000.

Maternity Units

The Presiding Officer (Sir David Steel): The final item of business today is a members' business debate on motion S1M-718, in the name of Irene Oldfather, on the relocation of maternity units. I appreciate that there has been great excitement, but another member is waiting to start a debate. Members who are not staying should please leave quietly and quickly.

In the meantime, members who wish to take part in the debate should press their request-to-speak buttons now. The debate will be concluded without any question being put after 30 minutes.

Motion debated,

That the Parliament notes the proposed relocation of maternity wards throughout Scotland, including the Ayrshire Central Maternity Unit, Irvine; further notes the concerns of the communities affected; believes that any review of services should take into account all relevant factors, including the wishes of those communities and the effect of such closures on mothers and the local economy, and further believes that all health boards concerned should engage in full consultation with those affected, and take every factor into account when taking such decisions.

17:09

Irene Oldfather (Cunninghame South) (Lab): I thank those who have supported this motion, enabling the debate to take place today, albeit it is somewhat overshadowed by the other events of the afternoon.

It is with some regret that I find myself, a member of the Health and Community Care Committee of this Parliament, speaking to a motion about lack of consultation by health boards. In particular, I am disappointed by lack of consultation by Ayrshire and Arran Health Board, which covers my area, in relation to a maternity hospital in which I had my own children. However, I welcome the opportunity that this debate provides to speak up for the women in the area I represent.

Most people see the creation of this Parliament as arising from a desire for a more democratic style of government for Scotland. Those who have been following the activities of the Health and Community Care Committee will appreciate that those expectations have not been matched in the activities of health boards. In the Stobhill and Stracathro reports, the Parliament has already sent out a clear message that railroading through predetermined outcomes is no longer acceptable.

The Stobhill report calls on the Executive to

"instruct Health Boards to prepare and discuss with interested bodies . . . a programme of informing, engaging and consulting with staff and the community on any change

of use or closure."

I will outline for members what has happened in my constituency as an example of the difficulties that women face in having their views on maternity services expressed, even in the context of a Scottish Parliament pledged to bringing government and decision making closer to the people.

In February 1998, long before the setting up of a Parliament and even before the restructuring of trusts, Ayrshire and Arran Health Board published a maternity services strategy. In it was a recommendation to conduct an option appraisal of in-patient maternity services with a view to considering relocation. The report from that group was presented to the health board on 24 February this year—it is the rather weighty document that I have with me now. I received a copy of it in April. The recommendation was closure of the Ayrshire maternity unit in my constituency.

How did I find out about the health board's recommendations? As I had a three-hour meeting with the board on the Monday of the week in which the decision took place, one might think that I was made aware of the proposed closure then. I was not. Members will therefore understand that I and my colleagues in the area were astonished to receive routine health board papers two days before it made the decision to close the unit.

I have to ask whether the health board really believes that that constitutes consultation with communities in the new political structures. I ask the Parliament to send out a message today that health boards treating representatives of the people in that way is a disservice to our democracy in Scotland and a discourtesy to local communities and the women whom MSPs represent.

There is not enough time to consider the detail of the decision, but I would like to make some brief comments about Ayrshire central hospital's record of clinical effectiveness. The safety of women and their babies and offering women a choice are the most important factors in decisions to provide services. If one asks the women whom I represent—the service users—what they want from a maternity service, they will say, "A positive outcome; a healthy baby." They are likely to mention a personalised service with personal attention that is family friendly and helps them to deliver their baby. They will also ask for choice and control in the delivery process.

The excellence of Ayrshire central hospital's maternity unit in providing that choice and control is in no doubt, and suggesting otherwise is a great disservice to the staff. In 1998-99, Ayrshire central hospital registered the lowest stillbirth rate in Scotland, at 3.2 per 1,000 births against a Scottish

total rate of 5.6 per 1,000. The figure for perinatal deaths is also the lowest in Scotland, at 6.1 per 1,000 as against 8.7 per 1,000.

The preventable stillbirth figures for 1998 are even more outstanding, with Ayrshire central boasting half the Scottish average. The percentage of normal deliveries with no complications was also well above the Scottish average. Ayrshire central holds the record for one of the youngest surviving premature births in Scotland. In common with almost 3,000 women who signed petitions about the closure, I remain to be persuaded that transferring essentially healthy women to a district general environment for sick people, where the possibilities of cross-infection and disease are prevalent, is in the best interest of reducing maternal death rates.

If the money is available, I urge the health board to invest in upgrading the present facilities. That would represent value for money for the taxpayer and build on the already first-class reputation of the hospital.

The figures that I have referred to illustrate what local people know: that the unit is first-class and provides some of the best health care in Scotland. I ask that Ayrshire and Arran Health Board engage in a proper consultation exercise in an open and transparent manner, and in the true spirit of partnership.

I welcome the opportunity to challenge the detail of the option appraisal paper. Frankly, as a researcher, I think that a coach and horses could be driven through it. This Parliament has demonstrated its worth today by providing the opportunity to remedy a wrong. It has allowed the views of my constituents to be heard. I ask the Parliament and the Minister for Health and Community Care to send out a clear message that health boards are accountable and have no right to disregard the democratic process.

17:17

Allan Wilson (Cunninghame North) (Lab): I thank Irene Oldfather for giving us the opportunity to discuss this issue and I associate myself with her comments.

Irene is the member for Cunninghame South, which encompasses the hospital in question, but its catchment area includes Ardrossan and Saltcoats, coastal areas from West Kilbride up to Skelmorlie, the Garnock valley—where I reside—and the islands of Arran and Cumbrae. I give that geography lesson partly to demonstrate my constituency interest, and to demonstrate that the catchment area is large.

My constituency is also served by the Royal Alexandra hospital in Paisley and the maternity

hospital in Greenock. The latter is also under threat of relocation. If that happens, we will be left with no service west of Paisley. I drew the health board's attention to that point in a letter of 21 February, in which I asked it to defer a decision on a matter that affects thousands of my constituents until such time as duly elected representatives had had the opportunity to discuss with it a copy of its report, a synopsis of which—not the full report—I received only two days before the board took the decision in question. I did that on the basis that a large number of my constituents had expressed the view that the proposed relocation would disadvantage them because of the additional travel involved and inadequate public transport links.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I thank Allan Wilson for the geography lesson. Does he agree that some of the transport difficulties faced by my constituents who have to travel from as far south as Ballantrae and as far east as Muirkirk also have to be taken into account? My son was born in Ayrshire central hospital and I have every confidence in the people there, but the reality is that Ayrshire and Arran Health Board services a much wider catchment area than merely Irvine and the immediate surroundings. I hope that that will be taken into account.

Allan Wilson: I have no problem associating myself with those comments.

I speak as the constituency representative for Cunninghame North. My sons were born in Paisley, a detail which I provide to inform the debate. The National Childbirth Trust shares my concerns that small, more woman-centred maternity units are being closed in favour of large centralised units that involve more travel during pregnancy, when in labour and when visiting. Centralisation is being encouraged.

The NCT has three concerns: that greater travel will involve more stress after birth; that the care offered will not be as personal in centralised units; that the more institutional medical atmosphere reduces choice and creates more stress after birth. The health board simply ignored that. I learned two things: first, that the maternity services option group had been set up, which nobody knew about as it had not been referred to in any previous minutes; and secondly, that it had carried out a brief inspection of the relative distances involved. The group stated:

"These distances have been calculated on the basis of the main centre of population for each postcode area. For example Arran covers a whole postcode area, distances have been calculated on the basis of Brodick. Similarly, only 'crow-fly' distances have been estimated, with no additional water or difficult terrain weightings applied."

It ended by saying that it knew the geography and

how ludicrous that proposition was.

The truth of the matter, substantiated by the board's comments, is that no consultation has taken place since the option appraisal recommended closure. No consultation is planned, despite the fact that since then this Parliament has been established and I have been elected to it.

17:21

Mr Adam Ingram (South of Scotland) (SNP): I thank Irene Oldfather for raising this subject for debate today. However, I believe that Ayrshire and Arran Health Board is to be congratulated on the comprehensive option appraisal exercise that it has undertaken and its review of maternity services. I support its conclusions, which are a logical and rational outcome of the process. They are to relocate the in-patient maternity services for Ayrshire in a purpose-built unit at Crosshouse hospital where all the services that could conceivably be needed in and around childbirth can be accessed readily.

The major and overriding consideration when making such a decision is to ensure that clinical effectiveness is maximised. A modern, purpose-built unit at Crosshouse will do that. It is also important to realise that all other antenatal and postnatal services will be provided at the level of local communities. A unit at Crosshouse hospital will be more accessible to more mothers than any alternative site, so it is the optimum outcome in that respect.

Although I sympathise with Irene Oldfather's remarks about consultation and the excellence of Ayrshire central hospital, I believe that the health board's proposals for upgrading and modernising the service—

Allan Wilson: If the member sympathises with Irene Oldfather's remarks about the lack of consultation, would he support an extended consultation based on the option appraisal report that has only now been published?

Mr Ingram: No, I would not. When elected a year ago, I raised the issue of maternity services in Ayrshire and was given a comprehensive briefing on the matter. I believe that the health board has consulted very comprehensively, although perhaps not as widely as it could. I do not agree with Allan Wilson's assertion that the health board has not consulted properly.

The health board's proposals for upgrading and modernising the service should be supported. As the father of four children, I consulted my wife on what she thought were the most important aspects of maternity services. She said that it is all about quality of care—how staff deal with mothers and how sensitive they are to their needs.

Irene Oldfather: The statistics that I have outlined in relation to Ayrshire central hospital show that the quality of care there is the best in Scotland.

Mr Ingram: I agree that the service in Ayrshire has been very fine. However, we need to move on, to modernise and to progress.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I had my daughter some 18 years ago in Ayrshire central hospital. Does the member agree that the relocation of the service must be safe? I do not want my daughter or any other mother in Ayrshire to be sitting on a table waiting for the results of a test to find out her blood group to come from Crosshouse.

Mr Ingram: The fact that there will be a move to a district general hospital site means that there will be a 24-hour laboratory facility. There will also be an intensive care facility and all the rest of it.

I will stop to let someone else have a say.

The Deputy Presiding Officer (Mr George Reid): My problem with timing is that the last speaker is dropping out.

17:25

Phil Gallie (South of Scotland) (Con): There is a danger of getting into a Kilmarnock-Irvine-Ayrshire argument about localities.

Margaret Jamieson rose—

Irene Oldfather: On a point of order. If there is only one additional speaker, I wonder whether the Presiding Officer would consider extending the debate for a further few minutes.

The Deputy Presiding Officer: I will be as generous as possible. As things stand, if Mr Russell takes about two minutes, we will just about manage.

Phil Gallie: Irene Oldfather gave some figures that demonstrated that Ayrshire central hospital is offering an excellent service to people in Ayrshire. It is hard to see how those figures could be improved on.

I appreciate the trauma that Irene Oldfather faces with the prospect of maternity services moving away from her constituency to Kilmarnock. Just before I was elected as member of Parliament for Ayr, we had the same trauma in Ayr itself when Thornyflats hospital closed down and the facilities moved to Ayrshire central hospital.

I have some personal experience, although perhaps not quite as much as Margaret Jamieson and others. My granddaughter was born in Ayrshire central hospital. My daughter is a nurse, and she thought that the facilities were absolutely excellent. She had every confidence in the

facilities offered. That counts for a lot. We are talking about something that is essential for the Ayrshire community.

There is another aspect that we must consider. If we are going to change the facilities and the location, the cost has to be examined. There will be additional costs in moving to Crosshouse hospital. It is claimed that there will be additional benefits. However, in the health service, every penny spent has to be carefully prioritised. Irene Oldfather referred to consultation, and I wonder whether that consultation has considered whether the additional costs of moving can be justified in relation to other health service facilities.

I sympathise with Cathy Jamieson and the points that she made about people in Ballantrae. I am sure that most of them are reasonably confident and happy with the services at Ayrshire central hospital.

Cathy Jamieson *rose*—

Phil Gallie: I cannot give way, because my time is up. My thanks to Irene Oldfather for letting me speak in her debate.

17:28

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): I am aware of the time constraints, and I will rush through this. I feel as if I am intruding on an Ayrshire fight.

I appreciate the opportunity to speak in this debate, because I think it impinges on what is happening in the rest of Scotland. A review is taking place in my trust area, which includes the Vale of Leven hospital, Inverclyde royal hospital, and the Royal Alexandra hospital in Paisley. We are told that this review is driven by clinical considerations, that it needs to happen and that it will create bigger units that will be safer. That would be all very well if we lived neatly in units of 50,000. However, that is not what happens.

If reviews are to mean anything, they have to be open, inclusive and honest. A cloak and dagger situation, as exists in my trust area, only heightens the concerns about people having to travel distances, about whether safety or quality is—

Dr Sylvia Jackson (Stirling) (Lab): Will the member give way?

Mr McNeil: No, I will not. Sorry, pal, but it is not on.

We cannot move people around while that type of cloak and dagger operation is going on.

I will cut to the chase. I am not asking for a boundary review because I appreciate that that might be difficult. However, we have artificial boundaries. One of the options for my side of the

River Clyde is that Inverclyde royal hospital would move to the Paisley hospital, or vice versa. I do not believe that we would be considering that option if the artificial boundary were not there. Next door and up the road to Glasgow we have the situation where Queen Mother's and Yorkhill hospitals will be based only four miles from the unit at Paisley, and west of there is Crosshouse hospital. That is a piece of nonsense—it must be challenged.

It is understandable that constituency MSPs get excited about threats to local services. I am not saying that how things are organised is perfect and cannot be changed, but we must focus on the delivery of services and their quality rather than on imaginary boundaries. That is why health boards need to get together with the communities that they serve to deliver a service that can cover all Scotland.

The Deputy Presiding Officer: If Michael Russell takes two minutes, that will leave one minute for Mary Scanlon and three bullet points.

17:30

Michael Russell (South of Scotland) (SNP): I congratulate Irene Oldfather on having the motion selected. The fact that I had a motion on the topic—she signed my motion and I signed her motion—and that her motion was selected for debate while mine was not shows how open and accountable the Parliamentary Bureau is.

I agree entirely with what Duncan McNeil just said—that is his career finished. The crux of the matter is a clinically driven argument that there has to be a drawing together of services. Duncan is right to say that people do not live in neat little units. It is not simply that the lines of division are wrong but that we must question that argument all the time. As Irene Oldfather said, the record of Ayrshire central hospital is second to none. Can it be made considerably better by the proposed change? I suspect not. In such circumstances the constant desire to amalgamate, to make units larger, to cut down the periphery, is an argument of despair. It will lead to one huge unit for everything—in health and education and elsewhere.

We must question that argument. I am sorry to see the Minister for Health and Community Care shaking her head. I am sure she will come up with her arguments but they are not infallible. Clinical judgments are not infallible, ministers are not infallible—the argument must be debated. Jackie Baillie indicates that ministers are infallible, so I will withdraw that remark.

Men are not infallible, women are not infallible. The moment we say that any clinical judgment is bound to be correct, that will lead to more services

being withdrawn, affecting more localities and people. I support what Irene Oldfather said and Allan Wilson's view that there should be a longer consultation period. I think the behaviour of the health board in this case has been particularly poor and I would like to see the debate opened more widely so that we can return to it. I disagree with Mr Ingram, so there is a huge split in the SNP that the press can report and we will fight it out.

17:33

Mary Scanlon (Highlands and Islands) (Con):

I am grateful for my one minute. As a Highlands and Islands MSP, I am not in a position to comment on where services should be situated in Ayrshire. Many of the women in the Highlands and Islands who have to take ferries and helicopters hundreds of miles when they are in labour would probably be grateful for the services enjoyed in Ayrshire.

I would like to know about Allan Wilson's woman-centred maternity units. I did not know there was any other kind.

My main concern is that Irene Oldfather, as the constituency MSP, sat down with the health board for a three-hour meeting two days before an announcement was made on the closure of the maternity unit and was told nothing about it.

Speaking as a member of the Health and Community Care Committee, the Stracathro and Stobhill petitions shocked me. We now know that those situations were not unique and that there is a general lack of consultation in a health service culture that is arrogant, bullying, secretive and high-handed. We know that health care is changing, but unless health boards and trusts engage with people, they will lose the confidence and trust we have in the health service, which should be cherished.

The Deputy Presiding Officer: I should say to Irene Oldfather that I know the debate has been tight but I have no discretion. The Presiding Officer has made it clear that he will only exceptionally extend time for members' business debates.

17:35

The Minister for Health and Community Care (Susan Deacon): I am delighted to get the chance to talk about maternity services. I will attempt to focus on that, although it is tempting to respond to a number of the points that have been made about consultation in the NHS. However, that has previously been debated in this chamber, unlike maternity services.

The only comment that I will make on the consultation point is that I, as much as anyone, have stressed the importance of effective

consultation and public engagement in the NHS. However, it must not become fashionable to say that what goes on in the NHS is bad in this respect. Good examples are currently being developed in certain parts of the country, particularly in relation to maternity services, which are examining new ways of involving people, including women and mothers. Occasionally, we should applaud those and be careful not to throw—dare I say—the baby out with the bath water. I apologise for that; it was not deliberate.

Today, I must focus on the Executive's position on the issue of maternity services. It is one that I regard as a personal priority and one on which we are making significant progress at a national level. It is important that I use my few minutes to tell members about that progress.

Why is this issue a priority? For some of us, it is the obvious, but often unstated, reasons that members have alluded to today. It is such a significant experience for women and those around them and it is so important that safety of mother and baby is maintained and protected as far as is practically possible. Let us not forget that childbirth was not always as safe as it is now. It is now much safer than it once was because the way in which we, as a society, view childbirth has changed; the way in which we support childbirth has changed; and maternity services have evolved and developed over the years. They will continue to evolve and develop, and rightly so.

However, what are maternity services? All too often, we talk as if they are synonymous with maternity units, maternity hospitals, labour wards and delivery suites; as if maternity services and pregnancy is about the day upon which someone gives birth. It is not about a day; it is about a year. It is about the whole antenatal and postnatal experience that goes around the birth. I want there to be the highest possible quality of service and support for women right the way through. We must continually balance two principles in this matter: safety and quality of care, and ensuring that where clinical intervention is required for the safety of the health of the mother, or baby, access to it is available, must be balanced with giving women informed choices.

Dr Sylvia Jackson: I ask for the minister's advice about this matter. In the review that is going on in Forth Valley it is suggested in the proposal—and there is only one proposal rather than several—that surgical services will be concentrated at one end, in Stirling, and maternity services will be concentrated at the other end, in Falkirk. How does that fit in with the idea of safety?

Susan Deacon: It would be inappropriate and impractical in the time available to me tonight to delve into the details of local maternity strategies. I

will be happy to meet any member to discuss those issues. It is important that I set out the principles on which the Executive wants to develop maternity services across the country. Those will be the guiding principles for local trusts and boards. I hope that in that way I will answer Sylvia Jackson's question.

As I said, two overriding issues require to be balanced. Quality of care and safety must be balanced with giving women informed choices. That means that, in future, maternity care must increase the choices available to women; it must increase the information that is available to them to enable them to exercise informed choice. We must also offer greater continuity of care, right through pregnancy. We must move further towards offering more midwife-led care, so that low-risk deliveries and low-risk pregnancies, which constitute the majority, can have that option available to them.

As I said earlier, we wish to ensure that throughout antenatal and postnatal care, in hospitals and in the community, the highest possible standards are maintained, and that services are available to women. I stress again that the reason we have been able so dramatically to reduce the levels of maternal and infant mortality over the decades is that we have embraced modern medicine and modern medical techniques.

That process continues to evolve and develop. I wish to ensure that when a woman wants access to the highest possible standard of care, in a hospital environment or wherever she may need it—bearing it in mind that at any stage during a pregnancy or a delivery, circumstances and needs can change—she has that access. That means being close to and having access to the full range of skills that might be necessary at some point during the delivery, including intensive care facilities and, if required, anaesthetists, blood transfusion services and blood itself.

We all, as politicians, as mothers and—I will be inclusive in my definition, as I am pleased to say that one of the big changes in maternity services over the years is that fathers have become increasingly involved in the process—as parents, know—

Phil Gallie: Will the minister give way?

Susan Deacon: I will finish, if I may.

We all know, from our own experiences, that this area is different from any other area of health care, not least because pregnancy is not an illness. However, it can be a condition that requires medical support. That support must be there when it is needed.

On that—

Phil Gallie: Will the minister give way?

Susan Deacon: I have to wind up at any second, so I must finish.

On that point—

Phil Gallie: Will the minister give way?

The Deputy Presiding Officer: The minister is winding up.

Susan Deacon: Not only do services change, but attitudes change as well. We need a strategy, throughout the country, supported by local review processes that, based on the guiding principles I have noted already, translates into practical reality on the ground.

That is why we are developing, for the first time ever, a national framework for maternity services across Scotland. It is a very inclusive process, which has been widely welcomed. It involves general practitioners, midwives, health visitors, obstetricians, gynaecologists, paediatricians, others and, crucially, women themselves. We hope that that will be published late in the autumn. It will act as an important national framework within which the local development and delivery of maternity services will take place across the country.

Nationally and locally, we are moving absolutely in the right direction in this very important service area. Space must be given to local boards and trusts to continue to improve and to develop services and the methods by which decisions are taken. Within the Executive, I will be doing everything in my power to ensure that that happens.

The Deputy Presiding Officer: That concludes members' business.

Michael Russell: On a point of order. Would you reflect, Presiding Officer, that during the minister's speech, she mentioned Ayrshire not once, Ayrshire central hospital not once, and Ayrshire and Arran Health Board not once? In members' debates, there should be some response to the subject of the debate. It was undoubtedly an important and interesting discourse on maternity services, but it did not address a word of the motion.

The Deputy Presiding Officer: Your point is noted, Mr Russell, but it is not a point for the chair. The minister has indicated that she will write to a number of members on specific points.

Meeting closed at 17:44.

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